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PT. Сн.

Act X, 1875,

Act X, 1872, ss. 82, 86.

A Bill to consolidate and amend the law relating to Criminal Procedure.

WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; It is hereby enacted as follows :-

PART I. PRELIMINARY.

CHAPTER I.

1. This Act may be called "The Code of Criminal Procedure, 1882:" and shall come into force on the Short title. Commencement. first day of January, 1883;

Act X, 1872,

ss. 1, 2, 111,
529, 535.
540, 541.

Act X, 1875,
s. 143.

Act IV, 1877, special jurisdiction or power conferred, or any special form of procedure prescribed,* by any other law now in force, or shall apply to—

amissioner of Police or the police in Adadras and Bombay;

try petty

(b) any officer duly authorized to try petty offences in military bázárs at cantonments and stations occupied by the troops of the said Presidencies respectively;

(c) heads of villages in the Presidency of Fort Saint George; or

(d) village Police-officers in the Presidency of Bombay.

2. On and from the first day of January, 1883, Repeal of enactments. the enactments mentioned in *. 2. Act X, 1872, s. 2, para. 1. the first schedule shall be repealed to the extent specified in the third column of the said schedule, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

Act X, 1872, s. 2, last All notifications published, proclamations issued, powers conferred, local limits defined, sentences passed and para., s. 10. Notifications, &c., un-der repealed Acts. der repealed acts.

orders, rules and appointments made, under any enactment hereby repealed, or under any enactment appointment repealed.

ment repealed by any such enactment, and which are in force immediately before the first day of January, 1883, shall be deemed to have been respectively published, issued, conferred, defined, passed and made under the corresponding section of this Code.

3. In every enactment passed before this Code Act X, 1872, s. 2, paras. 3, 4. comes into force, in which References to Code of Criminal Procedure. References to Code of Criminal Procedure.

Reference is made to, or to any chapter or section of the Code of Criminal Procedure, Act No. XXV of

1861, or Act No. X of 1872, or to any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding chapter or section.

In every enactment passed before this Code comes into force the expressions Cofficer exercising (or 'havaets.") nets. ''Officer exercising (or 'having') the powers (or the 'full powers') of a Magistrate," "Subordinate Magistrate, first class," and "Subordinate Magistrate, second class," shall respectively be deemed to mean "Magistrate of the first class," "Magistrate of the second class," and "Magistrate of the third class;" the expression "Magistrate of a division of a district" shall be deemed to mean Sub-divisional Magistrate and the expression "Magistrate and the expression "Magistrate" of a district snan be deemed to mean Magistrate sional Magistrate, and the expression "Magistrate of Police" shall be deemed to mean Presidency Act IV, 8. 10 Magistrate.

4. In this Code the following words and ex- Act X, pressions have the following Act IV Interpretation. meanings, unless a different intention appears from the subject or context :-

(a) "Complaint" means the allegation made to New. Lin "Complaint." a Magistrate with a view to institute proceedings under this Code that some person, whether known or unknown, has committed an offence; but does not include the report of a Police-officer:

(b) "Investigation" includes all the proceedings "Investigation." nnder this Code for the collection of evidence conducted by the Police or by any person authorized by a Magistrate in this behalf:

(c) "Inquiry" includes every inquiry conducted "Inquire" under this Code by a Magis- into "out "Inquiry." trate or Court:

(d) "Judicial proceeding" means any proceed-Penal Code "Judicial proceeding," ing in the course of which 193. evidence is or may be legally I. L. R., 1966. taken: 1 Mad. H

(e) "Writing" and "written" include "printing," "lithography," "photography" and "engraving " Writing." and the like :

(f) "To sign" means to affix a name or mark New. in writing or by means of a "To sign." stamp:

(g) "Sub-division" means a sub-division of a New. District made under this Code : Sub-division."

(h) "Province" means the territories for the time being under the administration of any Local Govern-" Province." ment:

(i) "Presidency-town" means the local limits "Presidency-town." for the time being of the ordinary original criminal jurisdiction of the High Court of Judicature at Fort William, Madras or Bombay;

(i) "High Court " means, in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the High Courts of Judicature at Fort William, Madras and Bombay, the High Court of Judicature for the North-Western Provinces, the Chief Court of the Panjáb and the Recorder of

y as to In other cases "High Court" means the gunder any local area:

of the
a Courts
1875.

or, where no such Court is established under any law for the time being in force, such officer as the Governor General in Council may from time to time appoint in this behalf:

1875, (k) "Chief Justice" includes also the senior
"Chief Justice." Judge of a Chief Court:

(1) "Advocate General" includes also a Gov-1875, ernment Advocate, or, where "Advocate General." 1877. there is no Advocate General or Government Advocate, such officer as the Local Government may from time to time appoint in this behalf:

(m) "Clerk of the Crown" includes any officer 1875. "Clerk of the Crown." specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the Crown:

(n) "Public prosecutor" means any person "Public prosecutor." appointed under section 502, and includes any person acting under the directions of a public prosecutor; and any person conducting a prosecution on behalf of Her Majesty in any High Court in the exercise of its original criminal jurisdiction:

(o) "Pleader" used with reference to any proceeding in any Court means " Pleader." a pleader authorized under any law for the time being in force to practise in such Court, and includes (1) an advocate, a vakil and an attorney of a High Court so authorized, and (2) any mukhtár or other person appointed with the permission of the Court to act in such proceeding:

(p) "Police-station" means any post declared by
"Police-station." the Local Government to be
"Officer in charge of a Police-station for the purposes of this Code: and "Office-station." a Police-station." poses of this Code; and "Officer 1872, in charge of a Police-station" includes, when the officer in charge of the station is absent therefrom or ill, the Police-officer next in rank present at the Police-station above the rank of Constable, or, when the Local Government so directs, any other Policeofficer so present:

(q) "Sessions-case" means a case triable exclusively by the Court of Session, , 98. or which the Magistrate commits to the Court of Session, though he might have tried it himself:

(r) "Offence" means any act or omission made punishable by any law for the time being in force:

(s) "Cognizable offence" means an offence Act XI, 1874, "Cognizable offence." for, and "cognizable case" s. 1.

"Cognizable case." means a case in all 1. means a case in, which a Police officer may, in accordance with the second schedule, or under any law for the time being in force, arrest without warrant:

"Non-cognizable offence" means an offence for, "Non-cognizable of and "Non-cognizable case fence."
"Non-cognizable case." means a case in, which a Police-officer may not arrest without warrant:

(t) "Bailable offence" means an offence shewn Act XI, 1874 as bailable in the second "Bailable offence" schedule or which is made "Non-bailable offence." bailable by any other law for the time being in force : and " non-bailable offence?" means any other offence:

(u) "Warrant-case" means a case relating to an offence punishable with "Warrant-case." death, transportation, imprisonment for a term exceeding six months:

(v) "Summons-case" means a case relating to "Summons-case," an offence not so punishable:

(w) "European British subject" means-Act X, 1872. "European British (1) any subject of Her Act X, 1872,
subject."
Majesty born, naturalized s. 3.
or domiciled in the United Kingdom of Great
Britain and Ireland, or in any of the European,
American or Australian Colonies or Possessions of
Her Majesty, or in the Colony of New Zealand

Her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal;

(2) any child or grand-child of any such person by legitimate descent:

(x) "Chapter" means a chapter of this Code: New.
"Chapter." "Schedule" means a schedule hereto annexed:

(y) "Place" includes also a house, building, New.

"Place," tent and vessel:

Words which refer to acts Act XI, 1874, done extend also to illegal s. 2. Words referring to omissions, and

all words and expressions used herein and defined e.g., "special Words to have same in the Indian Penal Code, and law," "local meaning as in Penal not hereinbefore defined, shall New."

Law," "local l not hereinbefore defined, shall New. be deemed to have the mean- see Act XI, be deemed by that Code. 1874, s. 42. ings attached to them respectively by that Code.

5. All offences under the Act X, 1872, Indian Penal Code shall, and ss. 6, 7, 11. Trial of offences under Penal Code. Penal Code.

Indian Penal Code shall, and ss. 6, 7, 11.

all offences under any other law shall, in the Act X, 1872, absence of any enactment for ss. 6, 7, 8, the time being in force regulating the mode or place of inquiry or trial, be enquired s. 6.

into and tried according to the provisions herein. Act IV, 1877, after contained.

PART II.

STITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES. CONSTITUTION

CHAPTER II.

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES.

A .- Clusses of Criminal Courts.

6. Besides the High Courts and the Courts Classes of Criminal constituted under any law Classes of Criminal other than this Code for the time being in force, there shall be five classes of Criminal Courts in British India, namely :-

I.—Courts of Session:

11.—Courts of Presidency Magistrates:

III.—Courts of Magistrates of the first class:
1V.—Courts of Magistrates of the second class: V .- Courts of Magistrates of the third class.

B .- Territorial Divisions.

Act X, 1872, s. 12.

7. Every Province (excluding the Presidencytowns) shall be a Sessions Sessions Divisions. Division, or shall consist of

Sessions Divisions;

Act XI, 1874, s. 4.

and every Sessions Division shall, for the purposes of this Code, be a Dis-Districts. trict or consist of Districts.

Act X, 1872, ss. 13, 38.

The Local Government may alter the limits or, with the previous sanction of the Governor General in Power to alter Divisions and Districts. Council, the number, of such Divisions and Districts.

Act X, 1872, *.14. Act XI, 1874,

The existing Sessions Divisions and Districts shall be Sessions Divisions and Districts respectively, unless and until they are so Existing Divisions and Districts maintained till altered. altered.

Every Presidency-town shall, for the purposes Act IV. 1877. of this Code, be deemed to Presidency-towns to be deemed Districts. be a District.

Act X, 1872, s. 39.

8. The Local Government may divide any District outside the Presi-Power to divide Districts into Sub-divisions, dency-towns into Sub-divisions, or make any por-tion of any such District a Sub-division, and may alter the limits of any Sub-division.

All existing Sub-divisions which are now usually put under the charge of a Magistrate shall be Existing Sub-divisions maintained. deemed to have been made under this Code.

C .- Courts and offices outside the Presidency-towns.

Act X, 1872, ss. 15, 16, 17, 18.

9. The Local Government shall establish a Court of Session for every Court of Session. Sessions Division, and appoint a Judge of such Court.

It may also appoint Additional Sessions Judges, Joint Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

10. In every District outside the Presidency- Act X. towns, the Local Government District Magistrate. shall appoint a Magistrate of the first class, who shall be called the District Magistrate.

Officers temporarily of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive. Magistrate. chief executive administra-tion of the District, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

12. The Local Government may appoint as Ast X Subordinate Magis- many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any District outside the Presidency-towns; and the Local Government, or the District Magistrate subject to the control of the Local Government, may from time to time define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such District.

13. The Local Government may place any Act X, I Power to put Magis. Magistrate of the first or s. 40. rate in charge of Sub-second class in charge of a Sub-division, and relieve him division. of the charge as occasion requires.

Such Magistrates shall be called Sub-divisional Magistrates.

The Local Government may delegate its powers

Delegation of power to under this section to the

Magistrate of District. District Magistrate.

14. The Local Government may confer upon Act X, 1 Special Magistrates. any person all or any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the Presidency-towns.

Such Magistrates shall be called Special Magis-

With the previous sanction of the Governor Act XI, General in Council, the Local Government may s. 5. delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by the first paragraph of this section.

PART V]

No powers shall be conferred under this section on any Police-officer below the grade of Assistant District Superintendent, and no powers shall be so conferred except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

X, 1872, 50, 15. The Local Government may direct any two or more Magistrates in any place outside of the Benches of Magis-trates. Presidency-towns to together as a Bench, and may invest such Bench

with any of the powers conferred or con-ferrible by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such Prahim, I to exercise such posterior within such local limits, R., 3 Cal., classes of cases, only, and within such local limits, as the Local Government thinks fit.

X, 1872, 51. Except as otherwise provided by any order of Powers exerciseable by the Local Government under this section, every such cial direction. Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members belongs, and who is present taking part in the preceedings as a member of the Bench, and as far as possible shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

16. The Local Government may, or the District

Magistrate subject to the control of the Local Govern-Power to frame rules for guidance of Benches. for guidance of Benches.

ment, from time to time
make rules consistent with
this Code for the guidance of Magistrates' Benches

in any District respecting the following subjects :-

- (a) the classes of cases to be tried;
- (b) the times and places of sitting;
- (c) the constitution of the Bench for conducting trials;
- (d) the mode of settling differences of opinion which may arise between the Magistrates in

17. All Magistrates appointed under sections 12, 13 and 14, and all Benches constituted under section 15, Subordination of other Magistrates to District Magistrate; shall be subordinate to the District Magistrate, and

7, 1872. every Magistrate (other than a Sub-divisional Magistrate) and Bench exto Sub-divisional Magistrate.

ereising powers in a Sub-division shall be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magis-

> All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction.

Neither the District Magistrate nor the a. Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordi-

nate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

D .- Courts of Presidency Magistrates.

18. The Local Government shall from time to Act IV, 1877, time appoint a sufficient number of persons (here-inafter called Presidency Appointment of Pre-sidency Magistrates.

Magistrates) to be Magistrates for each of the Presidency-towns, and shall appoint one of such persons to be Chief Magistrate for each such town.

Any two or more of such persons may (subject to the rules made by the Chief Magistrate under the power hereinafter conferred) sit together as a

19. Every Presidency Magistrate shall exercise Act IV, 1877

Local limits of their jurisdiction in all places s. 8, para. 5 within the Presidency-town for which he is appointed for which he is appointed [and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues].

20. Every Presidency Magistrate in the town Act IV. 1877

of Bombay Sombay Court of Petof Bombay shall exercise all s. S. last
jurisdiction which, under
last para. Bombay Court of Pet-ty Sessions. jurisdiction which, under any law in force immediately

before the first day of April, 1877, was exercised in that town by the Court of Petty Sessions: Provided that appeals under the law for the

time being regulating the municipality of Bombay shall lie to the Chief Magistrate only. 21. Every Chief Magistrate shall exercise in Act 1V, 1877

Presidency-town Chief Magistrate. which he is appointed all the powers which by any law or rule in force at the time this Act comes into force are required to be exercised by any Senior or Chief Magistrate, and may from time to time, with the previous sanction of the Local Government, make rules consistent with this Code to regulate-

- (a) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town;
- (b) the times and places at which Benches of Magistrates shall sit;
 - (c) the constitution of such Benches; and
- (d) the mode of settling differences of opinion which may arise between Magistrates in session.

E .- Justices of the Peace.

22. The Governor General in Council, so far as Act 11, 1869, regards the whole or any part of British India outside Justices of the Peace for the Mufassal. the Presidency-towns,

and every Local Government, so far as regards the territories subject to its administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such European British subjects as he or it thinks fit to be Justices of the Peace within and on the territories mentioned in such notification.

Towers of 452 Courts.

et II, 1869,

23. The Governor General in Council or the Local Government, so far as regards the town of Calcutta. Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint to be Justices of the Peace within the limits of the town mentioned in such notification any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) thinks fit.

Act II, 1869,

24. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns, under *Present Justices of the

any commission issued by a High Court, shall be deemed to have been appointed under section 22 by the Governor General in Council to act as a Justice of the Peace for the whole of British India other than the same towns.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section 23 by the Local Government.

13 Geo. 111, c. 25. In virtue of their respective offices, the Governor General, the Ordinary Members of the Council of the Governor General, the Ordinary Members of the Council of the Governor General, the Ordinary Members of the Council of the Governor General, the Ordinary Members of the Council of the Governor General, the Ordinary Members of the Council of the Governor General, the Ordinary Members of the Council of the Governor General, the Ordinary Members of the Council of the Governor General, the Ordinary Members of the Council of

8. 8.

Native High the Judges of the High Courts established by Royal Court Judges Charter are Justices of the Peace within and for the are thus Jusse whole of British India, and the Presidency Magistices of the trates are Justices of the Peace within and for the Peace. towns of which they are respectively Magistrates.

F .- Suspension and Removal.

Act X, 1872, s. 9.

26. All Judges of criminal Courts other than the Suspension and remov. High Courts established by al of Judges and Magis-Royal Charter, and all Matrates. gistrates, may be suspended or removed by the Local Government: Provided that such Judges and Magistrates as now are liable to be suspended or removed by the Governor General in Council only shall not be suspended or removed by any other authority.

Act II, 1869,

27. The Governor General in Council may Suspension and resuspend or dismiss any moval of Justices of the Justice of the Peace appointed by him, and the Local Peace, ted by him, and the Local Government may suspend or dismiss any Justice of the Peace appointed by it.

CHAPTER III.

Powers of Courts.

A .- Description of Offences cognizable by each Court.

.g., ss. 194, 195. 28. Subject to the other provisions of this Code, offences under Penal any offence under the Indian Penal Code may be tried by Act XI, 1874, Offences under Penal Act IV, 1877, the High Court or Court of Session or by any other Court by which such offence is shown in the seventh column of the second Schedule to be triable.

29. Any offence under any other law shall, Act X, 190 where any Court is mentioned s. S, pars, in this behalf in such law, be tried by such Court; and when

no Court is so mentioned, may be tried by the High Court or by any Court constituted under this Code:

Provided that

(a) no Magistrate of the first class shall try any such offence which is punishable with imprisonment for a term which may exceed seven years;

(b) no Magistrate of the second class shall try any such offence which is punishable with imprisonment for a term which may extend to three years; and

(c) no Magistrate of the third class shall try any such offence which is punishable with imprisonment for a term which may extend to one year.

30. In the territories respectively administered Act X Offences not punish- by the Lieutenant-Governor of the Panjab and the Chief

Commissioners of Oudh, the Central Provinces, British Burma, Coorg and Assam, and in those parts of the other Provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may invest the District Magistrate with power to try as a Magistrate all offences not punishable with death.

B .- Sentences which may be passed by Courts of various Classes.

Sentence which High Court or Sessions Judges may pass. 31. A High Court may pass any sentence authorized by law.

A Sessions Judge, Additional Sessions Judge Act X, 183 or Joint Sessions Judge may pass any sentence ss. 15, 12 authorized by law; but any sentence of death 2, 17. passed by such Judge shall be subject to confirmation by the High Court.

An Assistant Sessions Judge may pass any Act X, 187 sentence authorized by law except a sentence of s. 18. death or of transportation for any term or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding three years passed by an Assistant Sessions Judge shall be subject to confirmation by the Sessions Judge the Sessions Judge.

32. The Courts of Magistrates may pass the Act X. I Sentences which Ma-strates may pass. following sentences, name-ly:gistrates may pass.

(a) Courts of Presidency Imprisonment for a Act IV, Magistrates and of Magis-term not exceeding trates of the first class:

two years, including such solitary confinement as is authorized

by law;
Fine not exceeding one thousand rupees;
Whipping.

Courts.

(b) Courts of Magis- Imprisonment for

trates of the second class: a term not exceeding six months, including such solitary confinement as is authorized by law;

Fine not exceeding two hundred rupees; Whipping.

(c) Courts of Magistrates of the third class.

Imprisonment for a term not exceeding one month;

Fine not exceeding fifty rupees.

The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

33. The Court of any Magistrate may award 20, Expu, Boyer to sentence to such term of imprisonment in default of payment of fine as is authorized by law in case of such default. of fine as is authorized by law in case of such default: Provided that the term is not in excess of the Magistrate's powers under this Code:

Provided also that in no case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence para. Proviso as to cases para. 1 decided by a Magistrate. see Act shall the period of imprisonment awarded in default 1868. of payment of the fine exceed one-fourth of the period of imprisonment which such Magistrate is paras. competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

The imprisonment awarded under this section may 0, Expl. be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

34. The Court of a District Magistrate special-X, 1872, Higher powers of cer. ly empowered under section tain District Magis. 30 may pass any sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or of fine, or of whipping, or of any combination of these pun-ishments authorized by law.

But any sentence of imprisonment for a term exceeding three years passed by any such Court shall be subject to the confirmation of the Sessions Judge.

Sentence in cases of of two or more distinct offences, the Court may sentence him, for such offences. tence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict: such punishments, when consisting of imprisonment or transportation, to commence the one after the expiration of the other in such order as the Court may direct.

It shall not be necessary for the Court, by reason only of the aggregate punishments for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided that in no case shall such person be sentenced to punishment for a longer period than four-teen years: teen years:

Provided also that, if the case is tried by a Magistrate (other than a Magistrate acting under section 34), the aggregate punishments shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

For the purpose of confirmation or appeal, I. aggregate sentences passed under this section in case of simultaneous convictions for several offences shall be deemed to be a single sentence.

C .- Ordinary and Additional Powers.

36. All District Magistrates, Sub-divisional Act X, 1872,
Ordinary powers of Magistrates and Magistrates 83, 22, 24,
26, 28, 30 Ordinary powers of Magistrates. Ordinary powers of Magistrates and Magistrates of the first, second and third class have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are

37. In addition to his ordinary powers, any Act X, 1872.

Additional powers Magistrate of the first, second as. 23, 25, 27, and ferrible on Magis- or third class may be invest.

29. Additional powers conferrible on Magistrates. ed by the Local Government or the District Magistrate, as the case may be, with any powers specified in the fourth schedule as powers with which a Magistrate of such class may be invested by the Local Government or the District Magistrate.

The power conferred on the District Magistrate by this section shall be exercised subject to the control of the Local Government.

38. All Magistrates of the first and second classes, and all Magistrates of the Magistrates of third class specially empowered in this behalf, shall have all the powers conferred by this Code on an officer in charge of a Police-station.

D .- Conferment, Continuance and Cancellation of Powers.

39. In conferring powers under this Code, the Act X, 1872,

Mods of conferring power persons specially by
name, or classes of officials generally by their official titles.

40. Whenever any person holding an office in Act X, 1872.

the service of Government 6.66. Continuance of powers of officers transferred. who has been invested with any powers under this Code throughout any local area is transferred to an

Pr. III CH. V

L. R., 2 a like local area under the same Local Government, he shall, unless the Local Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.

41. Any authority may cancel any powers confer-Powers may be varied red by it on any person under or cancelled. Act X, 1872,

PART III. GENERAL PROVISIONS.

CHAPTER IV.

OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS.

Act X, 1872, s. 91. Act IV. 1877, s. 247. 42. Every person is bound to assist a Magistrate or Police-officer demanding his aid, whether Public when to assist Magistrates and Police.

within or without the Presidency-towns,

- (a) in the taking of any other person whom such Magistrate or Police-officer is authorized to arrest;
- (b) in the prevention of a breach of the peace, or of any injury attempted to be committed to any railway, canal or public property;
 - (c) in the suppression of a riot or affray; or
- (d) in the extinguishment of fire dangerous to human life or to valuable property.

A+t X, 1872, e, 163.

43. When a warrant is directed to a person other Aid to person other than a Police-officer, any an Police-officer, exe-other person may aid in exeenting warrant. cu'ing such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Act X, 1872, s. 89. Act IV, 1877, s. 246.

44. Every person, whether within or without the Presidency-towns, aware Public to give inform- of the commission of or in-

ation of certain offences. tention to commit any offence punishable under the following sections of the Indian Penal Code (namely), 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reason-

able excuse, the burden of proving which shall lie upon such person, forthwith give information of the same to the nearest Magistrate or Policeofficer.

Act X, 1872, s. 90.

45. Every village-headman, village-watchman, village-headmen, land. village-police-officer, owner or holders and others bound to report certain matters. agent of any such owner or

occupier, and every Native officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest Police-station, any information which he may obtain respecting-

- (a) the residence of any notorious receiver or vendor of stolen property in any village of which he is headman, watchman or police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;
- (b) the resort to any place within, or the passage through, such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict or proclaimed offender;
- (c) the commission of or intention to commit any non-bailable offence in or near such village;
- (d) the occurrence therein of any death under suspicious circumstances.

EXPLANATION .- In this section "village" includes village-lands.

CHAPTER V.

OF ARREST, ESCAPE AND RETAKING.

A .- Arrest generally.

46. In making an arrest, the Police-officer or Act X, 18 other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

If such person forcibly resists the endeavour to Act X, 1872, Resisting endeavour evade the arrest, such Police-officer or other person may evade.

178, additional transfer of the arrest, such Police-officer or other person may evade.

use all means necessary to effect the arrest.

Nothing in this section gives a right to cause the Alison's death of a person arrested who is accused of an Mayne P.C offence not punishable with death.

47. If any person acting under a warrant of Act X, 18 Search of place entered by person sought to be arrested.

arrest, or any Police-officer having authority to arrest, has reason to believe the search of the has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or in charge of, such place shall, on demand of such person acting as aforesaid or such Police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

48. If ingress to such place cannot be obtained Act X Procedure where in under section 47, it shall be sold lawful in any case for a perlawful in any case for a person acting under a warrant, and in any case in which a warrant cannot be obtained without affording the person to be

34, infra.

Arrest, es- PART V]

arrested an opportunity of escape, for a Police-officer, to enter such place and search therein,

ct X, 1872, s. 180. in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

t X, 1872, s. Provided that, if any such place is an apartment 181, which applies only where percent Breaking open zanáná. in the actual occupancy of a woman (not being the perto be arrest- son to be arrested) who, according to custom, ed is accused does not appear in public, such person or Policeof an offence of an onence of the shall, before entering such apartment, warrant may give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

> 49. Any Police-officer or other person authorized to make an arrest may Power to break open break open any outer or indoors for purposes liberation. ner door or window of any house in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

50. The person arrested ct X. 1872. No unnecessary reshall not be subjected to more straint. restraint than is necessary to prevent his escape. ct X. 1872.

51. Whenever a person is arrested by a Policeofficer under a warrant which Search of arrested persons. does not provide for the taking of bail, or under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail, and

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail.

the officer making the arrest or, when the arrest is made by a private person, the Police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him.

52. Whenever it is necessary to cause a woman ct 2 1872. Mode of searching to be searched, the search let IV, 1877, women. shall be made with strict regard to custom.

New. Liv., p. 53. The officer or other person making any Power to seize offen- arrest under this Code may take from the person arrested sive weapons. any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which

or whom the person making the arrest is required by this Code to produce the person arrested.

B .- Arrest without Warrant.

When Police may arrest without warrant.

54. Any Police-officer may, without order from a Magistrate and without a warrant, arrest-

Act X, 1872, s. 92, omitting cl. 3.

firstly—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned;

secondly—any person who has been proclaimed Cf. Living as an offender either under this Code or by order. ston, 503. of the Local Government;

thirdly-any person in whose possession anything is found which may reasonably be suspected to be stolen property;

-any person who obstructs a Policeofficer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; and

fifthly-any person reasonably suspected of "Or being a deserter from Her Majesty's Army or added. Navy.

55. Any officer in charge of a Police-station Act X, 1872, may, in like manner, arrest Arrest of vagabonds. or cause to be arrested-

(a) any person found taking precautions to conceal his presence within the limits of such station under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or

(b) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself;

(c) any person who is by repute an habitual robber, house-breaker, thief, or an habitual receiver of stolen property knowing it to be stolen.

56. When any officer in charge of a Police- Act X, 1872, when station requires any officer s. 102, para. 1. Procedure subordinate to him to arrest r deputes to arrest Police-officer subordinate without a warrant (otherwise without warrant. person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

57. Any person who in the presence of a Police- Act X, 1872, officer commits or is accused Refusal to give name of committing a non-cogniz-

and residence. able offence, and refuses on demand of such officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, may be

5 i

CH. VI

Processes

to compel

appearano

Arrest, escape and = retaking.

arrested or detained by such officer in order that his name or residence may be ascertained; and shall, within twenty-four hours from the arrest, be forwarded to the nearest Magistrate, unless, before the expiration of that time, his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Act X, 1872, 58. For the purpose of arresting without warPursuit of offenders rant any person whom he is
into other jurisdictions. authorized to arrest under
this chapter, a Police-officer may pursue such person into any place in British India.

Act X, 1872, 59. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence;

Act X, 1872, and shall, without unnecessary delay, make over s. 107.

N. Y. Crim. Procedure on such arany person so arrested to a Pro. Code, rest. Police-officer; or in the absence of a Police-officer, take such person to the nearest Police-station.

The Police shall deal with such person according to the provisions of section 54 or 57, as the case may be, and shall not detain him in custody unless he appears to be liable to arrest or detention under the section applicable.

Person arrested to be taken before Magistrate or officer in charge of pulse-station.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

Person arrested to be taken before Magistrate having delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Act X, 1872,

Person arrested not to be detained more than 24 hours.

Son arrested without warrant for a longer period than under all the circumstances of the absence of a special order of a Magistrate under section 168, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Act X, 1872, 62. Officers in charge of Police-stations shall
Police to report appro- report to the District Magishensions. trate, or if he so directs, to the
Sub-divisional Magistrate, the cases of all persons
arrested without warrant within the limits of their
respective stations, whether such persons have been
admitted to bail or otherwise.

Act X, 1872, 63. No person who has been so arrested by a s. 133, para. 2. Discharge of person Police-officer shall be discharged except on his bond, with or without sureties, or under the special order of a Magistrate.

Act X, 1872, 64. When any offence is committed in the pren. 108.

Act IV, 1877,

Magistrate's presence. the local limits of his jurisdiction, he may himself arrest or order any person

to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

65. Any Magistrate may at any time arrest or Act X, 1872,
Arrest by or in presdicted the arrest, in his presence of Magistrate.

sence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

66. If a person in lawful custody escapes or is Act XXV, Power, on escape, to rescued, and the person from pursue and retake. whose custody he escaped or was rescued is not, under the provisions hereinbefore contained, authorized to arrest him without warrant, he may immediately pursue and arrest him in any place in British India.

67. The provisions of sections 47 and 48 shall Act XXV,

Provisions of sections apply to arrests under sec-N. X. C.

47 and 48 to apply to tion 66, although the person Processes under section 66. making such arrest is not act-ing under a warrant and is not a Police-officer having authority to arrest.

CHAPTER VI.

OF PROCESSES TO COMPEL APPEARANCE.

A .- Summons.

68. Every summons issued by a Court under Act X, 1872.

Form of summons. this Code shall be in writing s. 1523.

in duplicate signed and sealed sealed s. 472.

by the presiding officer of such Court, or by such other officer as the High Court may from time to time by rule direct.

Such summons shall be served by a Police-officer; Act X, 1872,

Summons by whom or, subject to such rules as the 153, altered Local Government may prescribe in this behalf, by an officer of the Court issuing it.

69. The summons shall if practicable be served Act X, 1872, to Summons how served. Personally on the person summoned by delivering or tendary act IV, 1877, ering to him one of the duplicates of the summons.

8. 48.

Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

70. Where the person summoned cannot by the Act X, 1877.

Service when person exercise of due diligence be s. 164.

summoned cannot be found, the summons may be Act IV, 1877.

found. served by leaving one of the s. 49.

duplicates for him with some adult male member of his family residing with him; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

71. If the signature mentioned in sections 69 Act X, 1872, and 70 cannot by the exercise s. 155.

Procedure when receipt cannot be obtained, the serving officer shall fix one of the duplicates of the summons on some

to compel

conspicuous part of the house in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

X, 1872,

72. Where the person summoned is in the active service of the Government or Service on servant of Government or of Railof a Railway Company, the Court issuing the summons way Company.

shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, and shall return it to the Court with the endorsement required by that section

840, s. 1. IV, 1877,

XXIII, 73. When a Court desires that a issued by it shall be served Service of summons outside local limits. at any place outside the local limits of its jurisdic-

tion, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

74. When a summons issued by a Court is Proof of service in such served outside the local Proof of service in such cases, and when serving officer not present. limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, a solemn declaration, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by section 69 or section 70) by the person to whom it is delivered or tendered or with whom it is left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

The declaration mentioned in this section may be endorsed on the duplicate of the summons and returned to the Court.

B .- Warrant of Arrest.

75. Every warrant of arrest issued by a Court under this Code shall be in Form of warrant of writing, signed and sealed by the presiding officer; or, in the which case of a Bench of Magistrates, by any member of the such Bench.

Every such warrant remains in force until it is cancelled by the Court which Continuance of warissued it, or until it is executrant of arrest. ed.

76. Any Court issuing a warrant for the arrest of any person may in its Court may direct secu-rity to be taken. discretion direct by endorsement on the warrant that, if such person execute a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed y the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

The endorsement shall state (a) the number of sureties, (b) the amount in which they and the person for whose arrest the warrant is issued are

appearance. to be respectively bound, and (c) the time at which he is to attend before the Court.

Whenever security is taken under this section, the officer to whom the warrant is directed shall forward the Recognizance to be forwarded. bond to the Court.

77. A warrant of arrest shall ordinarily be Act X, 1872,
Warrants to whom directed to one or more s. 161.
Police-officers, and, when a second Police-officers, and, when issued by a Presidency Magistrate, shall always be so directed; but any other Court issuing such a warrant may, if its im-

mediate execution is necessary and no Police-officer is immediately available, direct it to any other person or persons, and such person or persons shall execute the same :

Provided that when a warrant is directed to Act X, 1872, Warrant to several more officers or persons than act IV, 1877, one, it may be executed by all, or by any one or more, of them.

78. A District Magistrate or Sub-divisional Ma- Act X, 1872, sistente may direct a warrant s. 162. gistrate may direct a warrant to any landholder, farmer or Warrant may be directed to landholders, &c. manager of land within his district for the arrest of any

escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge.

When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest Police-officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 76.

79. When a warrant is directed to a person Act X, 1872, Warrants directed to other than a Police-officer, any person other than a Police-officer. any other person may aid in Police-officer. executing such warrant, if the person to whom it is directed is near at hand and acting in execution thereof.

80. A warrant directed to any Police-officer may Act X, 1872, also be executed by any s. 165.

Warrant directed to other Police-officer whose Act IV, 1877, s. 60. Warrant directed to Police-officer. name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

81. The Police-officer or other person executing Act X, 1872, a warrant of arrest shall s. 176. Notification of subnotify the substance thereof stance of warrant. to the person to be arrested and, if so required, shall show him the warrant.

82. The Police-officer or other person executing Act X, 1872, Person arrested to be a warrant of arrest shall s. 183. brought befor without delay. before Court (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce him.

Processes

83. A warrant of arrest

CH. VI

Processes to compel

appearance.

s. 64.

Act X, 1872, Where w a. 167. Act IV, 1877, be executed. s. 63. Where warrant may

paras. 1 & Warrant forwarded to 2, 170, first Magistrate for execution part. Act IV, 1877,

may be executed at any place in British India. Act X, 1872, 84. When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such

warrant to a Police-officer, forward the same by post or otherwise to any Magistrate or Commissioner of Police within the local limits of whose jurisdiction it is to be executed.

The Magistrate or Commissioner to whom such warrant is so forwarded shall endorse his name thereon, and cause it to be executed within the local limits of his jurisdiction.

85. When a warrant directed to a Police-officer Act X, 1872, ss. 168, pares. 1 & Warrant directed to is to be executed beyond the local limits of the jurispart tion outside jurisdiction. Act IV, 1877, the same, he shall ordinarily take it for endorsement 5, 6, 7.

it is no outside jurisdiction. diction of the Court issuing diction. diction of the Court issuing act is not below that is not same, he shall ordinarily take it for endorsement to a Magistrate or to a Police-officer not below that is the same of a station, within the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Such Magistrate or Police-officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police-officer to whom the warrant is directed to execute the same within such limits, and the local Police shall if so required assist such officer in executing such warrant.

Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or Police-officer within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the Policeofficer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

86. When a warrant of arrest is executed out-Act X, 1872, Procedure on arrest of side the district in which s. 169. Act IV, 1877, s. 65, para. person against whom
warrant issued. it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles, or is nearer than the Magistrate or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or Commissioner.

Act X, 1872,

87. Such Magistrate or Commissioner shall, if s. 170.

Procedure by Magis.

Act IV, 1877.

trate before whom person

65, para.

arrested is brought.

the person arrested appears
to be the person intended by
the Court which issued the warrant, direct his removal in custody to such Court: Provided that if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner, or a direction has been endorsed under section 76 on the warrant, and such person is ready and willing to give the security required by such direction, the Magistrate or Commissioner shall take bail or such security, as the case may be, and forward the bond to the Court which issued the warrant. C .- Proclamation and Attachment.

88. If a Court has reason to believe (whether Act X, Proclamation for per- after taking evidence or not) whom a warrant has been issued by it has absconded s. or is concealing himself so that such warrant Act IV, cannot be executed, such Court may publish a written proclamation requiring him to appear at 10 Ben a specified place and at a specified time not less 18. than thirty days from the date of publishing such proclamation.

The proclamation shall be published as follows :-

- (a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;
- (b) it shall be affixed on some conspicuous part of his ordinary place of abode, or on some conspicuous place of such town or village; and
- (c) a copy thereof shall be affixed to some conspicuous part of the Court-house.

A statement by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation New as to was published on such day.

89. The Court may, after issuing a proclamation Act under section 88, order the Attachment of property attachment of any property, of person absconding. moveable or immoveable, or Act IV. both, belonging to the proclaimed person.

Such order shall authorize the attachment of any property belonging to such person within the district in which it is made; and it shall authorize the attachment of any property belonging to such person without such district, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is situate.

If the property ordered to be attached be debts or other moveable property, the attachment under this section shall be made-

- (a) by seizure; or
- (b) by the appointment of a receiver or to any one on his behalf; or
- (c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or
- (d) by all or any two of such methods, as the Court thinks fit.

If the property ordered to be attached be immoveable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases-

- (e) by seizure; or
- (f) by the appointment of a receiver; or
- (g) by an order in writing prohibiting the payment of rent or delivery of property to the pro-claimed person or to any one on his behalf; or

or order.

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Processes to compel 459 production of doouments, &c.

(h) by all or any two of such methods, as the Court thinks fit.

The powers, duties and liabilities of a receiver appointed under this section shall be the same those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure.

If the person so believed to have absconded or to be concealing himself does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government; but it shall not be sold until the expiration of six months from the date of the attachment, unless it is of a perishable nature, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

1872. ss. 173, 354. ct X, 4875, s. 83. et IV, 1877, ss. 69, 138.

90. If, within two years from the date of the Restoration of attach-

Restoration of attached property is or has been at the disposal of Government under the last paragraph of section 89 appears voluntarily or is apprehended and brought before the Magistrate having jurisdiction, and proves to the satisfaction of the Court by whose order the property was attached that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D .- Other rules regarding processes.

ActX,1872, 88.

91. A Court may, in any case in which it is pera. 1. summons. pearance of any person other Act X, 1875, than a juror or assessor, issue, after recording its ss. 81, 84. Act IV, 1877, reasons in writing, a warrant for his arrest—ss. 34, 36, (a) if either before the issue of such summons,

(a) if either before the issue of such summons, ss. 34, 36, (a) if either before the issue of such summons, 53, 135, 136, or after the issue of the same but before the time 217. fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(b) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Act IV, 1877, s. 140,

Power to take bond arrest the officer presiding in any Court is empowered. 92. When any person for whose appearance or is present in such Court, such officer may require such person to execute a bond with or without sureties for his appearance in such Court.

Act X, 1872, 93. When any person who is bound by any bond taken under this Code to appear before a Court does not so appear, the officer

presiding in such Court may issue a warrant directing that such person be arrested or produced before him.

94. The provisions contained in this chapter Act X, 1872, revisions in this chapter and their issue, ser-Act IV, 1877, vice and execution shall, so s. 52. Provisions in this chap-ter generally applicable to summonses and war-rants of arrest. far as may be, apply to every summons and every warrant of arrest issued under this Code.

CHAPTER VII.

OF PROCESSES TO COMPEL THE PRODUCTION OF DO-CUMENTS AND OTHER MOVEABLE PROPERTY AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

A .- Summons to produce.

95. Whenever any Court, or in any place beyond Act X, 1872 the limits of the Presidency s. 1865.
towns any officer in charge Act X, 1876
of a Police-station, considers Act IV, 1877 Summons to produce document or other thing. that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it or to produce it at the time and place stated in the summons

Any person required under this section merely to Act X, 1877 produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

Nothing in this section applies to a letter, post New. card, telegram or other document in the custody of the Postal or Telegraph Department.

96. If any document in such custody is, in the Act X. 187.

opinion of any District Magiss. 369 las
senteuce. trate, Chief Presidency Magis-trate, High Court or Court Procedure as to letters of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require the Postal or Telegraph Department, as the case may be, to deliver such document to such person as such Magistrate or Court directs.

If any such document is, in the opinion of any other Magistrate or of any Commissioner of Police, or District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

B .- Search-warrants.

97. Where there is reason to believe that a Act X, 187

person to whom a summons s. 366.

when search-warrant person to whom a summons s. 366.

under section 95 or a requi- Act X, 187 96, Act IV, 18, 8, 145. sition under section

Processes to compel

of docu-

ments, &c.

production 460

VII

1872

paragraph one, has been or might be addressed will not or would not produce the document or other thing as directed in such summons,

or where such document or other thing is not known to be in the possession of any person, .

Act X, 1872, or where the Court considers that the purposes **.368, para. of any inquiry, trial or other proceeding under Act IV, 1877, this Code will be served by a general search or **.159. inspection,

it may issue a search-warrant; and the person to whom such warrant is directed may search or inspect in accordance therewith and the provisions hereinafter contained.

Nothing herein contained shall authorize any Act X, 1872, Nothing herein contained shall authorize any a. 369, cl. Magistrate, other than a District Magistrate, to grant a warrant to search for a document in the custody of the Postal or Telegraph authori-

Act X, 1872, s. 398, para. 2. 98. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or General war- raut. not be the inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Act X, 1872, 99. If a District Magistrate, Sub-divisional Magistrate, Presidency Ma-gistrate or Magistrate of the first class, upon informas. 377.
Act IV, 1877, Search of house suss. 160. pected to contain stolen
Section 97 property, forged docucems to render ments, &c. tion and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen pro-

> or for the deposit or sale or manufacture of forged documents, false seals, or counterfeit stamps or coin, or instruments or materials for counterfeiting coin or stamps or for forging,

> or that any forged documents, false seals or counterfeit stamps, or coin, or instruments or materials used for counterfeiting coin or stamps or for forging are kept or deposited in any place,

he may by his warrant authorize any Policeofficer above the rank of a constable-

- (a) to enter, with such assistance as may be required, such place, and
- (b) to search the same as specified in the warrant, and
- (c) to take possession of any property, docu-ments, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also any such instruments and materials as aforesaid, and
- (d) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety,

(e) to take into custody and carry before Magistrate every person found in such place who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or for forging.

100. When, in the execution of a search-war- Act X, Disposal of things found in search beyond local limits of the jurisdiction. issued the same, any of the things for which search is made are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Magistrate issuing the warrant, unless such place is nearer to the Magistrate having invisition therein then to such Count in which jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court.

C .- Discovery of persons wrongfully confined.

101. If any Presidency Magistrate, Magistrate of the Search for persons first class, or Sub-divisional wrongfully confined. Magistrate has reason to believe that any person is confined so that such confinement amounts to an offence, he may issue a searchwarrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person if found shall be immediately taken before a Magistrate.

D .- General Provisions relating to searches.

102. The provisions of sections 75, 77, 79, 80, Act X, 1872,

Direction, &c., of as may be, apply to all search-warrants search-warrants issued under 376.

Act IV, 1877, 5. 161. search-warrants. section 97, section 99, or section 101.

103. Whenever any place liable to search or Act X, 1873, Persons in charge of inspection under this chapter Act IV, 1877, search, of, such place shall, on demand of the officer or other person executing the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

If ingress into such place cannot be so obtained, Act X, 1872, the officer or other person executing the warrant Act IV, 1872, may proceed in manner provided by continuous. may proceed in manner provided by section 48.

104. Before making a search under this chap-Act X, 1872, ter, the officer or other person about to make it shall call s. 165. Search to be made in presence of witnesses. upon two or more respectable inhabitants of the locality in which the place to be

1872, first

1875,

Security for keeping peace and for good

behaviour.

Act X, 1872 s. 498, para

searched is situate to attend and witness the

The search shall be made in their presence, and a list of all things found in the course of such search shall be prepared by such officer or other person and signed by such witnesses, but no person witnessing a search under this section shall be required to attend the Court as a witness unless specially summoned by it.

The occupant of the place searched, or some Occupant of place person in his behalf, shall, in every instance, be permitted every instance, be permitted to attend during the search.

E .- Miscellaneous.

105. Any Court may, if it thinks fit, impound any document or other thing Power to impound doproduced before it under this Code.

1877. 106. Any Magistrate may direct a search to be Magistrate may direct made in his presence of any place for the search of which place for the search of which he is competent to issue a search-warrant.

PART IV. PREVENTION OF OFFENCES.

CHAPTER VIII.

OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR.

A .- Security for keeping the Peace on Conviction. 107. Whenever any person accused of rioting, assault or other breach of the Security for keeping the peace on conviction. peace, or of abetting the same, or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or any person accused of committing criminal intimidation by threatthen ening injury to person or property, is convicted of side, such offence before a High Court, a Court of P. Session or the Court of a Presidency Magistrate, 876. a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class,

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without 875, sureties, 875, sureties, for keeping the peace during such 877, period not exceeding three years as it thinks fit to

If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

B.—Security for keeping the Peace in other Cases and Security for Good Behaviour.

72, 108. Whenever a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class Magistrate of the first class receives information that any person is likely to

commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, within the local limits of such Magistrate's jurisdiction, or that there is within such limits a person who is likely to commit a breach of the peace or do any act as aforesaid in any place beyond such limits, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding three On years as the Magistrate thinks fit to fix.

109. When any Magistrate not empowered to Act X, 1872. Procedure of Magis-trate, &c., not empowered to act under section 108.

proceed under section 108, or a Court of Session or High Court, has reason to believe Court, has reason to believe that any person is likely to commit a breach of the peace or to do any act that may probably occasion a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by detaining such person in custody, such Magistrate or Court may issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case under section 108.

A Magistrate before whom a person is sent under this section may in his discretion detain such person in custody until the completion of the enquiry hereinafter prescribed.

Security for good behaviour from vagrants and suspected persons.

Presidency Magistrate, Dis- Act X, 1872, ss. 504, paras. sional Magistrate or Magis- para, 2. trate of the first class receives Act IV, 1877. sional Magistrate or Magispara. 2.
trate of the first class receives Act IV, 1877,
ss. 212, 231. information-

(a) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing an offence, or

(b) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding six months as the Magistrate thinks fit to fix.

Security for good be. information that any person Act IV. 1872, within the local limits of his iurisdiction is an habitual 231. offenders, offenders, jurisdiction is an habitual 231.
robber, housebreaker or thief, or an habitual 10'Kin. 271
receiver of stolen property knowing the same to have been stolen,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding three years as the Magistrate thinks fit to fix.

CH.

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Security for keeping 462 peace and good

behaviour. Act X, 1872, 112. s. 517. Act 1V, 1877, Proviso s. 232. Proviso vagrants.

112. The provisions of sections 110 and 111 Proviso as to European British subjects in cases in cases where they may be dealt with under the European Vagrancy Act, 1874.

113. When a Magistrate acting under section 108, section 110 or section 111 deems it necessary to Act X, 1872, 113. When a Magistrate acting under section 108, section 110 or section 118, section 110 or section 111 deems it necessary to para. 1.

Act X, 1872, 13. When a Magistrate acting under section 108, section 110 or section 111 deems it necessary to show cause under such secses, 216, para tion; he shall make an order in writing, setting 1922 forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Act X, 1872, s. 492, Expl. Act IV, 1877, s. 216, para of person present 2. Court. Procedure in respect

114. If the person in respect of whom such order is made is present in court, it shall be read over to him or, if he so desires, the substance thereof

shall be explained to him.

115. If such person is not present in court, the Summons or warrant Magistrate shall issue a sumin case of person not so mons requiring him to appear, present. or, when such person is in present. or, when such person is in custody, a warrant directing the officer in whose custody he is to bring him, before the Court:

Act X, 1872, Provided that, whenever it appears to such ss. 494, 515, Magistrate, upon the report of a Police-officer or para. 1.

Act IV, 1877, upon other information (the substance of which research part or information shall be recorded by the Magis-In bad liveli-trate), that there is reason to fear the commission of hood cases a breach of the peace, and that such breach of the police can peace cannot be prevented otherwise than by the out warrant. immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

116. Every summons or warrant issued under section 115 shall be accompanied by a copy of the Copy of order under section 113 to accomorder made under section 113, pany summons or war-rant. and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Act X, 1872, 117. The Magistrate may, if he seek s. 495.

S. 495.

Act IV, 1877, Power to dispense with personal attendance of any person called upon to shew 117. The Magistrate may, if he sees sufficient person called upon to shew cause why he should not be ordered to execute a

bond for keeping the peace, and may permit him to appear by a pleader.

118. When an order under section 113 has been New. I. O'Kin. 130.

See Act X, Inquiry as to truth of present in Court under section 114, or when any person tion 114, or when any person Explus.

appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 115, the Magistrate shall proceed to enquire into the truth of the information upon which he has acted.

Such enquiry shall be made, as nearly as may *. 515, para. be, where the order requires security for keeping the peace, in the manner hereinafter prescribed for

conducting trials in summons-cases; and where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials in warrant-cases, except that no charge need be

For the purposes of this section the fact that person is an habitual offender may be proved by evidence of general repute or otherwise.

119. If, upon such enquiry, it is proved that it Act ! Order to give security. is necessary for keeping the peace or maintaining good Act II behaviour, as the case may be, that the person in respect of whom the enquiry is made should execute a bond with or without sureties, the Magistrate shall make an order accordingly:

Provided-

1s/—that no person shall be ordered to give security of a nature different from, or of ap amount larger than, or for a period longer than, that specified in the order made under section 113:

2ndly-that the amount of every bond shall be Act I fixed with due regard to the circumstances of the case and shall not be excessive.

3rdly-that when the person in respect of whom the enquiry is made is a minor, the bond shall be executed only by his sureties.

120. If, on an enquiry under section 118, Act I Discharge of person informed against. is occasion to bind over the person in respect of whom such enquiry is made to keep the peace, or to be of good behaviour, as the case may be, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the enquiry, shall release him, or if such person is not in custody shall discharge him.

C .- Proceedings in all Cases subsequent to Order to furnish Security.

121. If any person in respect of whom an order Act I Commencement of period for which security is requiring security is made start under section 107 or section 2, 8 under section 107 or section 2 119 is, at the time such Act II order is made, sentenced to, or undergoing a st. sentence of, imprisonment, the period for which L. such security is required shall commence on the expiration of such sentence.

In other cases such period shall commence on the date of such order.

122. The bond to be executed by any such person shall bind him to keep Contents of bond. the peace or to be of good beat haviour, as the case may be, and in either case the let commission or attempt to commit, or abetment of, any offence whatever, and wherever it may be delicted to committed, is a breach of the bond.

123. A Magistrate may refuse to accept any let surety for good behaviour offered under this chapter, on Power to reject surethe ground that, for reasons to be recorded by the Magistrate, such surety is an unfit person.

ss. 145, 151.

PART V]

124. If any person ordered to give security
Imprisonment in de. under section 107 or section
119 does not give such secur-

ity on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or,

if he is already in prison, be detained in prison, until such period expires or until within such period he gives the security required.

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Proceedings when to be laid before High Court or Court of Session.

When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him

to be detained pending the orders of the Court of Session, or, if such Magistrate be a Presidency Magistrate, pending the orders of the High Court, and the proceedings shall be laid, as soon as con-veniently may be, before such Court.

Such Court, after examining such proceedings and requiring any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit: Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three

X. 1872,

Imprisonment for failure to give security for keeping the peace shall be Kind of imprisonment. simple.

1872, Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

, 1877, Power to release persons imprisoned for failing to give security.

125. Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give

whether by the order of such Magistrate or that of his predecessor in office, or of some subordinate Magistrate, may be released without hazard to the community or to any other person, he may order such person to be discharged.

Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter as ordered by the Court of Session or High Court may be released without such hazard, such Magistrate shall make an immediate report of the case for the orders of the Court of Session or High Court, as the case may be, and such Court may, if it thinks fit, order such person to be discharged.

Power of District time, if he see sufficient cause, Magistrate to cancel cancel any bond for keeping any bond for keeping the peace executed under the peace. X, 1872, Court in the District not superior to his Court.

127. Any security for the peaceable conduct or good behaviour of another person may at any time Discharge of sureties. apply to a Presidency Magistrate, District Magis-

trate, Sub-divisional Magistrate or Magistrate of the first class to cancel the bond.

On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 122, 123, 124 and 125, be deemed to be an order made under section 107 or section 119 as the case may be.

CHAPTER IX.

UNLAWFUL ASSEMBLIES.

Assembly to disperse on command of Magis-trate or Police-officer.

128. Any Magistrate or officer in charge of a Act X, Police-station, whether within or without the Presidencys. 43.

Act XI, 1874.
s. 43.

towns, may command any Penal Code,
se 145 151. unlawful assembly, or any

assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of

such assembly to disperse accordingly. 129. If, upon being so commanded, any such act X, 1872, assembly does not disperse, or s. 481.

assembly does not disperse, or if without being so command-Use of civil force to disperse. ed it conducts itself in such a manner as to show a determination not to disperse

any Magistrate or officer in charge of a Police-station, whether within or without the Presidencytowns, may proceed to disperse such assembly by force, and may require the assistance of any male per son, not being an officer or soldier in Her Majesty's
Army or a Volunteer enrolled under the Indian Volunteers Volunteers Act, 1869, and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it in order to disperse such assembly or that they may be punished according to law.

130. If any such assembly cannot be otherwise Act X, 1872, dispersed, and if it is neces. s. 482. Use of military force. sary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force.

131. When a Magistrate determines to disperse Act X, 1872,
Duty of officer com. any such assembly by milis. 484, adding volun-Duty of officer commanding troops required by Magistrate to disperse assembly.

any such assembly by military force, he may require any Commissioned or Non-commissioned officer in commissioned mand of any soldiers in Her Majesty's Army or of any Volunteers enrolled under the Indian Volunteers Act, 1869, to disperse such as-sembly by such force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly, or that they may be punished according to law.

Auisances.

Every such officer shall obey such requisition in such manner as he thinks fit; but in so doing he shall use as little fora and do as little injury to person and property as may be consistent with dispersing the assembly and arresting and detaining such persons.

132. When the public security is manifestly en-Act X. 1872, s. 487.

dangered by any such assem-Power of commissioned military officers to disperse assembly.

dangered by any such assembly, and when no Magistrate can be communicated with, any commissioned officer of

Her Majesty's Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it in order to disperse such assembly, or that they may be punished according to law; but if while he is acting under this section, it becomes possible for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Act X, 1872, s. 488. 133. No prosecution against any Magistrate,

Protection against prosecution for acts done under this chapter.

Military officer, Police-officer, soldier or volunteer for any act purporting to be done under this chapter shall be institut-

ed in any Criminal Court, except with the sanction of the Governor General in Council; and

act X, 1872, (a) no Magistrate or Po as. 483, 485, this chapter in good faith, 486. (a) no Magistrate or Police-officer acting under

(b) no officer acting under section 132 in good faith,

(c) no person doing any act in good faith in compliance with a requisition under section 129 or section 131, and

(d) no inferior officer, or soldier, or volunteer, doing any act in obedience to any order which under military law he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER X.

PUBLIC NUISANCES.

s. 521, sub-stituting Conditional order for "way" for removal of unisance. 134. Whenever a District Magistrate, a Subdivisional Magistrate when empowered by the Local Government in this behalf, a Magistrate of the first class, considers, on receiving a report or other information and on taking such evidence (if any) as he thinks fit,

> that any unlawful obstruction or nuisance should be removed from any way or river which may lawfully be used by the public, or from any public place, or

> that any trade or occupation, or the keeping of any goods or merchandise, by reason of its being njurious to the health or physical comfort of the community, or offensive to the religious feelings of any considerable section thereof, should be suppressed or removed or prohibited, or

that the construction of any building, or the disposal of any substance as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building is in such a state of weak-ness that it is likely to fall and thereby cause injury to persons passing by, and that its removal in consequence is necessary, or

that any tank or well adjacent to any such way should be fenced in such a manner as to prevent danger arising to the public,-

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, substance, tank or well, within a time to be fixed in the order,

to remove such obstruction or nuisance; or

to suppress or remove such trade or occupation; or

to remove such goods or merchandise; or

to prevent or stop the construction of such building; or

to remove, repair or support it; or

to alter the disposal of such substance; or

to fence such tank or well, as the case may be; or

to appear before himself or some other Magistrate of the first or second class, at a time and place to be fixed by the order, and move to have the order set aside or modified in manner hereinafter provided.

No order duly made by a Magistrate under this section shall be called in question in any Civil Court

EXPLANATION. A "pullic place" includes also property belonging to the State, camping grounds, and grounds left unoccupied for sanitary and recreative purposes.

135. The order shall, if practicable, be served Act X-J Service or notification on the person against whom it is made in manner herein provided for service of a sum-

mons.

If such order cannot be so served, it shall be notified by proclamation, published in such manner as the Local Government may direct, and a written notice thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

136. The person against whom such order is Act made shall-

(a) perform, within the time specified in the order, Person to whom order is addressed to obey, the act directed thereby; or

or shew cause or claim either show cause against the same, or apply to such Magistrate to appoint a jury or shew cause or claim to try whether the same is reasonable and proper.

ral. 509.

Ben. Ap.

Act X, 1872, 137. If such person does not perform such act or appear and shew cause or Consequence of his failing to do so. apply for the appointment

of a jury as required by section 136, he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code; and the order shall be made absolute.

138. If he appears and shews cause against ct X, 1872. Procedure where he appears to shew cause. the order, the Magistrate shall take evidence in the ct XI, 1874, matter.

If the Magistrate is satisfied that the order is O'Kin. 486. not reasonable and proper, no further proceedings shall be taken in the case.

> If the Magistrate is not so satisfied, the order shall be made absolute.

139. On receiving an application under section ct X, 18,72, s. 523, para. 2 Procedure where he 136 to appoint a jury, the Magistrate shall— Magistrate shall-

(a) forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant;

(b) summon such foreman and members to attend at such place and time as the Magistrate thinks fit; and

t X, 1872, (c) fix a til. 523, para. their verdict. (c) fix a time within which they are to return

140. If the jury or a majority of the jurors ss. 523, para. Procedure where jury finds Magistrate's order to be reasonable.

In a proper as originally made or proper as or proper as originally made or prope proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

In other cases, no further proceedings shall be taken.

x, 1872, 141. When an order has been made absolute Procedure on order under section 137, section 138, or section 140, the Magistrate shall give notice

of the same to the person against whom the order was made and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

If such act is not performed within the time fixed.

the Magistrate may cause it Consequences of dis-obedience to order. to be performed, and may recover the costs of perform-

ing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached i found.

No suit shall lie in respect of anything done Act X, 1872, good faith under this section. in good faith under this section.

142. If the applicant by neglect or otherwise Act X, 1872, prevents the appointment of s. 523, para.

Procedure on failure appoint jury or omisa to return verdict.

The procedure of failure appointment of s. 523, para.

The procedure of failure appointment of s. 523, para.

The procedure of failure appointment of s. 523, para. Procedure on failure

to appoint jury or omission to return verdict. not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 141.

143. If a Magistrate making an order under Act X. section 134 considers that s. 528

Injunction pending inimmediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may, whether a jury is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

144. A District Magistrate or Sub-divisional Act X,

Magistrate or any other s. 519.
Magistrate empowered by Penal Code, s. 291. Magistrate may pro-hibit repetition or con-tinuance of public nuithe Local Government or the District Magistrate in this behalf may order any person

not to repeat or continue a public nuisance, as defined in the Indian Penal Code or any special or local law.

CHAPTER XI.

TEMPORARY ORDERS IN URGENT CASES.

145. In cases where, in the opinion of a District Act X, 1872.

Magistrate, a Sub-divisional 8. 518.

Power to issue order Magistrate, or of any other 10°Kin. 58. Power to issue order

absolute at once in argent ment or the District Magistrate to act under this

section, a speedy remedy is desirable,

such Magistrate may, by a written order stat- Act X, 1872, ing the material facts of the case and served in 8.518.

manner provided by section 135, direct any person 1 Ben. Ap. Cr. 20. to abstain from a certain act or to take certain order with certain property in his possession, or under his management, if such Magistrate con-siders that such direction is likely to prevent, of tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, or danger to human life, health or safety, or a riot or an affray.

An order under this section may, in cases of, Act X 1872, emergency or in cases where the circumstances do 5.518, Expl. not admit of the serving in due time of a notice

PART V

Disputes as 466 to immoveable pro-

perty. upon the person against whom the order is

t x, 1872, directed, be passed ex parte.

An order under this section may be directed to An order under this section may be directed to the section may

5 Cal. 7. 4 Cal. 410.

such orders. Any Magistrate may rescind or alter any order Penal Code, s. 188. made under this section by himself or any Magistrate X, 1872, trate subordinate to him or by his predecessor in s. 518, Expl. office. No order under this section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a riot or affray, the Local Government by notification in the official Gazette otherwise directs.

CHAPTER XII.

DISPUTES AS TO IMMOVEABLE PROPERTY.

Act X, 1872, s. 530. 3 Calc. 552.

Procedure where dispute concerning land, &c., is likely to cause breach of peace.

District Magistrate, Subdivisional Magistrate, or a Magistrate of the first class, is satisfied from a police report or other information that a dispute likely to cause a breach of the peace exists concerning any tangible immoveable property, or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court, in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respect

statements of their respective claims as respects 1. L.R. 3 Cal. the fact of actual physical possession of the subject of dispute.

The Magistrate shall then, without reference to Inquiry as to posses. the merits of the claims of any of such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such further evidence (if any) as he thinks necessary, and then, if possible, decide whether any and which of the parties is in such possession of the said subject.

1 O'Kin. 136. 2 O'Kin. 67, 264. See 6 Valc.

If the Magistrate decides that one of the parties is in such possession of the said subject, he shall issue an order declaring such party to be entitled to retain possession entitled to retain possession

thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction.

Act X, 1872, 6. 531. 1 O'Kin. 86.

147. If the Magistrate decides that none of the Power to attach sub. parties is in such possession, ject of dispute. parties is in such possession, or is unable to satisfy himself as to which of them is in such possession, of the subject of dispute, he may attach it until a competent Civil Court has determined the rights of the parties thereto, or the person entitled to possession thereof.

148. Whenever any such Magistrate is satis- Act X, 187 field as aforesaid that a dis- *. 532.

Disputes concerning pute likely to cause a breach of the reace exists concern.

of the peace exists concerning the right to do or prevent the doing of anything in or upon any tangible immoveable property situate within the local limits of his jurisdiction, he may inquire into the matter; and may, if it appears to him that such right exists, make an order permitting such thing to be done, or directing that such thing shall not be done, as the case may be, until the person objecting to such thing being done or claiming that such thing may be done, obtains the decision of a competent Civil Court, adjudging him to be entitled to prevent the doing of, or to do, such thing, as the case

Provided that no order shall be passed under this section permitting the doing of anything where the right to do such thing is exerciseable at all times of the year, unless such right has been ordinarily exercised within three months next before the institution of the inquiry; or, where the right is exerciseable only at particular seasons, unless the right has been so exercised during the season next before such institution.

149. Whenever a local inquiry is necessary for Act X, 18 the purposes of this chapter, 8. 533. Local inquiry. Local inquiry. any District Magistrate or Sub-divisional Magistrate may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such written instructions consistent with the law for the time being in force as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

The report of the person so deputed may be read as evidence in the case.

CHAPTER XIII.

PREVENTIVE ACTION OF THE POLICE.

150. Every Police-officer may interpose for the Act X, 18 Police to prevent cogshall to the best of his abision of any cognizable offence.

Information of design to commit any cognizable offence shall com-151. Every Police-officer receiving information Act X. to the Police-officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

152. A Police-officer knowing of a design to com- Act X, It Arrest to prevent such mit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

action of the Police Act X, 1871 e. 532.

153. A Police-officer may of his own authority interpose to prevent any in-Prevention of injury to public property. jury attempted to be com-mitted in his view to any

public property, moveable or immoveable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

t X, 1872,

154. Any officer in charge of a Police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures, or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are

If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

PART V.

INFORMATION TO THE POLICE AND OF THEIR POWERS TO INVESTIGATE.

CHAPTER XIV.

X, 1872, Penal le, s. 180.

155. Every information relating to the commission of a cognizable offence, if Information in cognicable cases.

given orally to an officer in charge of a Police-station, shall be reduced to writing

by him or under his direction, and any such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it; and the substance thereof shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this

X, 1872,

156. When information is given to an officer Information in cognizable cases. limits of such station of a

non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such complaint and refer the complainant to the Magistrate.

t X, 1872,

No Police-officer shall investigate a non-cog-Investigation into noncognizable cases.

Investigate a non-cognizable case without the order
of a Magistrate of the or second class having power to try such ease or commit the same for trial.

Any Police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a Police-station may exercise in a cognizable case.

100, 114, 10. 2; v. Investigation into cog-104, 184, nizable cases.

may, without the order of a Magistrate, investigate any

157. Any officer in charge of a Police-station cognizable case which a Court

having jurisdiction over the local area within the limits of such station would have power to enquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

No proceeding of a Police-officer in any such Act X, 1872, case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investi-

158. If, from information received or otherwise, Act X, 1872, Procedure where cog. an officer in charge of a nizable offence suspect. Police-station has reason to suspect the commission of an offence which he is empowered under section 157 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cogni- Se proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and arrest of the offen-

Provided that when any information as to the Act X,

commission of any such Where local investigaoffence is given against any tion dispensed with. person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot:

Provided also that, if it appear to the officer Act X, 1872, s. Where Police-officer in charge of a Police-station that there is no sufficient ground for investigation. ground for entering on an investigation, he shall not investigate the case.

In each of these cases the officer in charge of the Police-station shall state in his said report his reasons for not fully complying with the requirements of the first clause of this section.

159. Every report sent to a Magistrate under sec- Act X, 1872 tion 158 shall, if the Local s. 117, para-Reports under section 158 shall, if the Local Government so directs, be

submitted through such superior officer of Police as the Local Government, by general or special order, appoints in that behalf.

Such superior officer may give such instructions to the officer in charge of the Police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

160. Such Magistrate, on receiving such report, Act X, 1872, Power to hold investi-gation or preliminary in-proceed, or depute any Magistrate subordinate to him to proceed, to hold an investigation or preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

161. Any Police-officer making an investigation Act X Police-officer's power under this chapter may, by to require attendance of witnesses.

under this chapter may, by order in writing, require the attendance left. order in writing, require the attendance before himself of any person being within the limits of his own or

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> any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

Act X, 1872, ss. 118, 119, paras. 1 and 2, 121.

162. Any Police-officer making an investigation Examination of wit
Examination of wit
amine orally any person supnesses by Police. posed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Such person shall be bound to answer all questions relating to such case put him by such officer other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Rep., 120.

Act X, 1872. 163. No statement, other than a dying declaras. 119, para.
3, 121.
11 Bom. H.C. not to be signed or admitted in evidence.

12 Statements to Police tion, made by any person to
the police in the course of an
investigation under this this chapter shall be used as evidence against the accused or shall, if reduced into writing, be signed by the person making it.

Act X, 1872, ss. 120, 184. Cf. Act I, 1872, s. 24. See 6, Calc. 293-297. The Indian Evidence of the Confess. 164. No Police-officer or other person in author-No inducement to be ity shall offer or make any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, section 24.

But no Police-officer or other person shall pre-Nelson, 113. vent, by any caution or otherwise, any person from making in the course of any investigation under this chapter any statement which he may be disposed to make of his own free will.

Act X, 1872, 165. Any Magistrate not being a Police-officer
8. 122.
Act IV, 1877, Power to record state8. 16.
8ee 6 Cal.
293-297. under this chapter, or at any time afterwards before under this chapter, or at any time afterwards before the commencement of the inquiry or trial.

Dom. 219. Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is in his opinion best fitted for the circums/ances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and shall then be forwarded to the Magistrate by whom the case is inquired into or tried.

> No Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and he shall make a memorandum at the foot thereof to the following effect:-

> "I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

" (Signed) A. B., " Magistrate."

166. Whenever an officer in charge of a Police- Act X, 1872 station, or a Police-officer s. 379.

Search by officer in charge of Police-station.

making an investigation, considers that the production of any document or other thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, and there is reason to believe that a person to whom a summons under section 95 has been or might be addressed will not or would not produce such document or other thing as directed in the summons, or when such document or other thing is not known to be in the possession of any person, such officer may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge,

Such officer shall, if practicable, conduct the search in person.

or to which he is attached.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or other thing for which search is to be made, and the place to be searched; and such subordinate officer may thereupon search for such thing in such place.

The provisions of this Code as to search-warrants shall, so far as may be, apply to a search made under this section.

167. An officer in charge of a Police-station Act X, When officer in charge of Police-station may require an officer in charge of another Police-station, whether in the same or a different District, to

cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

Such officer, on being so required, shall proceed according to the provisions of section 166, and shall forward the thing found, if any, to the officer at whose request the search was made, unless the place at which such thing is found is in a different District, and is nearer to the Magistrate having jurisdiction in such place than to the station of which the latter officer is in charge. In such case the thing shall be taken before such Magistrate, who, unless there be good cause to the contrary, shall order such thing to be forwarded to such officer.

168. Whenever it appears that any investigation Act X, 1872 Procedure when in. under this chapter cannot be completed in twenty-four hours. section 61, and there are

grounds for believing that the accusation is wellfounded, the officer in charge of the Police-station shall transmit to the nearest Magistrate a copy of the entries in the diary hereinafter pre-scribed relating to the case, and shall at the same time forward the accused to such Magistrate, unless, for reasons to be recorded by such officer, he thinks that the accused should not be so forwarded.

131, para. 2.

The Magistrate receiving a copy under this section may, whether he has or has not jurisdiction to try the case, authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

If such order be given by a Magistrate other than the District Magistrate or Sub-divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is subordinate.

X, 1872, s. 23, para 2.

169. When any subordinate Police-officer has made any investigation un-der this chapter, he shall report the result of such Report of investiga-tion by subordinate Police-officer. investigation to the officer

in charge of the Police-station.

X, 1872, 170. If, upon an investigation under this chapter, it appears to the officer in charge of the Release of accused officer in charge of the Police-station that there is not sufficient evidence reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate having jurisdiction to take cognizance of the offence on a

polic ereport.

171. If upon an investigation under this chapter it appears to the officer para. Case to be sent to in charge of the Police-station that there is sufficient evidence or reasonable

ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report, or if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed

When the officer in charge of a Police station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant, if any, and so many of the persons who appear to be acquainted with the circumstances of the case as may be necessary, to execute a bond to appear before the Magistrate and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

If the Court of the District Magistrate or Sub-divisional Magistrate be mentioned in the bond, it shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided notice of such reference be given to such complainant or witness.

The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

172. No complainant or witness on his way to Act X, 1872, Complainants and witnesses not to be required to accompany Police-officer.

the Court of the Magistrate shall be required to accompana. pany a Police-officer,

or shall be subjected to unnecessary re- Act X, 1878 straint or inconvenience, or s. 131, para. Complainants and witrequired to give any security for his appearance other nesses not to be subjected to restraint. than his own bond:

Provided that, if any complainant or witness re- Act X, 1872, s. fuses to attend or to execute Recusant complainant the bond directed in section or witness may be warded in custody. 171, the officer in charge of the Police-station may forward him under custody to the Magistrate, who

may detain him in custody until he executes such recognizance, or until the hearing of the case is completed. 173. Every Police-officer making an investiga- Act X, 1872,

tion under this chapter shall Diary of proceedings in investigation. day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Any Criminal Court may send for the policediaries of a case under inquiry or trial in such Court, and may use such diaries to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for them, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the Police-officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such Police-officer, the provisions of the Indian Evidence Act, 1872, sections 145 and 161, shall apply.

174. Every investigation under this chapter Act X, 872 shall be completed without 88, 125, 127, paras, 1 4 2. Report of Police-officer. unnecessary delay, and, as soon as it is completed, the officer in charge of the Police-station shall forward to a Magistrate having jurisdiction to take cognizance of the offence on a police report a report in the form prescribed by the Local Government, setting forth the names of

or forfeiture.

the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

Where a superior officer of police has been appointed under section 159, the report shall be submitted through him, and he may, pending the orders of the Magistrate, direct the officer in charge of the Police-station to make further investigation.

Whenever it appears from a report forwarded under this section, that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

Act X, 1872, s. 133. 175. The officer in charge of a Police-station, Police to inquire and on receiving information that a person—

- (a) has been killed by another, or
- (b) has died under suspicious circumstances, or
- (c) has committed suicide,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed

This power by the Local Government, or by any general or spe-may be ex-cial order of the District or Sub-divisional Magiseccised so trate, shall proceed to the place where the body of as to save trate, shall proceed to the place where the body of Military such deceased person is, and there, in the presence Courts of of two or more respectable inhabitants of the Inquest.

Inquest. draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any) such marks appear to have been inflicted.

The report shall be signed by such Police-officer and other persons, or by so many of them as con-cur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

When there is any doubt regarding the cause of death, or when for any other reason the Police-officer considers it expedient so to do, he shall, subpect to such rules as the Local Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

In the territories respectively administered by the Governors of Fort St. George and Bombay in Council, investigations under this section may be made by the Head of the village, who shall then report the result to the nearest Magistrate authorized to hold inquests.

The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Sub-divisional Magistrate, and any Magistrate specially empowered in this behalf by the Local Government or the District Magistrate.

176. An officer in charge of a Police-station Act X, 18 may, by order in writing, summon two or more persons. sons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to Penal attend and to answer all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty

If the facts do not disclose a cognizable offence to which section 171 applies, such persons shall not be required by the Police-officer to attend a Magistrate's Court.

177. When any person dies while in the custody Act X, 1 Inquiry by Magistrate of the police the nearest into cause of death. Magistrate empowered to hold inquests shall, and in any other case mentioned in section 175, clauses (a), (b) and (c), any Magistrate so empowered may, hold an inquiry into the cause of death, either instead of, or in addition to, the investigation held by the Policeofficer; and if he does so, he shall have all the
powers in conducting it which he would have in The Magisholding an inquiry into an offence. trate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed, according to the circumstances of the case.

Whenever such Magistrate considers it expedient New to make an examination of Power to disinter disinter the dead body of any person who has been already in-order to discover the cause of his terred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A .- Place of Inquiry or Trial.

Ordinary place of into and tried by a Court Act XI.

Ordinary place of within the local limits of s. 18.

whose jurisdiction it was committed.

179. Notwithstanding anything contained in Act X, section 178, the Local s. 63, po Power to order cases to be tried in different Sessions Divisions. Government may direct that any cases or class of cases committed for trial in any district may be tried in any Sessions Division.

Jurisdiction of Crimi-

nal Courts

and . rials.

Provided that such direction be not repugnant XI, 1874, to any direction previously issued under the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, or under this Code, section 537.

180. When a person is accused of the commis-X, 1872, IV, 1877, Accused triable in dis-trict where act is done, or where consequence

sion of any offence by reason of anything which has been done, and of any conse-quence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Illustrations.

(a) A is wounded in district X and dies in district Z.

The offence of the culpable homicide of A may be inquired into and tried either in X or Z.

(b) A is wounded in district X, and is, during ten days in district Y and during ten days more in district Z, unable in either Y or Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into and tried in X, Y or Z.

(c) A is put in fear of injury in district X, and is thereby induced, in district Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into and tried either in X or Y.

X, 1872, 181. When an act is an offence by reason of

its relation to any other act which is also an offence, or which would be an offence if the doer were capable of com-

mitting an offence, a charge of the first-mentioned offence may be inquired into and tried by a Court within the local limits of whose jurisdiction either act was done.

Illustrations.

(a) A charge of abetment may be inquired into and tried either in the district in which the abetment was committed, or in the district in which the offence abetted was committed.

(b) A charge of receiving or retaining stolen goods may be inquired into and tried either in the district in which the goods were stolen, or in any district in which any of them were at any time dishonestly received or retained.

(c) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into and tried in the district in which the wrongful concealing, or in the district in which the kidnapping, took place.

Being a thug or belong-IV, 1877, ing to a gang of dacoits, 22.50 escape from custody, &c.

182. The offence of being a thug, of being a thug and committing murder, Being a thug or belong of dacoity, of dacoity with murder, of having belonged to a gang of dacoits,

or of having escaped from custody, may be inquired into and tried by a Court within the local limits of whose jurisdiction the person charged is.

The offence of criminal misappropriation or of Criminal misappropriation and criminal breach of trust may be inquired into and tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received by the accused person, or the offence was committed.

The offence of stealing anything may be in-Act X, 1872, quired into or tried by a tration (f). Court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who receives or retains the same knowing or having reason to believe it to be stolen.

Place of inquiry or trial where scene offence is uncertain;

or not in one district

only ;

183. When it is uncer- Act XVIII, tain in which of several 1862, 29-35. local areas an offence was Act X, 1872, s. committed, or committed, or

67, omitting the Illustrawhere an offence is com- Act IV, 1877, itted partly in one local . 21. mitted partly in one local area and partly in another, or

where an offence is a conor offence is continuing; tinuing one, and continues to be committed in more local areas than one, or

where it consists of several or consists of several acts done in different local areas,

it may be inquired into and tried by a Court having jurisdiction over any such local area.

aving jurisdiction over any such rock.

184. An offence committed whilst the offender Act X, 1872,
is in the course of performs. 67, Illustration (a).

Offence committed on inc a journey or voyage tration (a).

Mad. H. Offence committed on ing a journey or voyage may be inquired into and tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

185. All offences against the provisions of any Act IV, 1877, Offences against Rail- law for the time being in s. 238.

ay, Telegraph, Post- force relating to Railways, Act LII, 1860, way, Telegraph, Post office and Arms Acts. office and Arms Acts. Telegraphs, the Post-office or Arms and Ammunition may be inquired into repealed. and tried in a Presidency-town, whether the offence Act IV, 1877, is stated to have been committed within such town or not: provided that the offender and all the witnesses necessary for his prosecution are to be found within such town.

186. Whenever any doubt arises as to the Act X, 1872, High Court to decide, case of doubt, district sere inquiry or trial provisions of this chapter be s. 23: High Court to decide, in case of doubt, district where inquiry or trial shall take place. inquired into or tried, the High Court within the local limits of whose appellate criminal jurisdiction the offender actually is, may decide by which Court the offence shall be inquired into or tried.

187. When a Presidency Magistrate, a Dis-Act X, 1872, trict Magistrate, a Sub-divi- s, 157, 1872, sional Magistrate or, if he is Act 1V, 1877, specially empowered in this behalf by the Local C. Power to issue sum-ons or warrant for fence committed beyoud local jurisdiction. behalf by the Local Government, a Magistrate of the first class, sees reason youd local jurisdiction. to believe that any person within the local limits of his jurisdiction has committed without such limits an offence which cannot, under the provisions of sections 178 to 185 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under

in Inquiries and Mad. 17.

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Courts in 472
Inquiries and Trials.

some law for the time being in force triable in British India, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereact X, 1872, inbefore provided to appear before him, and send

Act X, 1872, inbefore provided to appear before him, and send

174.

Magistrate's procedure

Act IV, 1877, on arrest.

Try such offence, or, if such offence is bailable, take

Act XXIII, bail for his appearance before such Magistrate.

Act XXIII, 1840, s. 7.

When there are more Magistrates than one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

Act X, 1872, s. 175.

Procedure where warrant issued under section 187 by a Magistrate other than a Presidency Magis-

than a Presidency Magistrate, and Magistrate, such Magistrate shall send the person arrested to the District Magistrate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police-officer executing such

warrant, or shall be sent to the Magistrate by whom such warrant was issued.

If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 187, such Magistrate shall send such person to the District Magistrate or Sub-divisional Magistrate to whom such Court is immediately subordinate.

Act XXI, 1879, s. 9. Liability of British
subjects for offences committed out of British
India.

Prince or State in India in alliance with Her
Majesty, or

when a Native Indian subject of Her Majesty commits an offence at any place beyond the limits of British India,

he may be dealt with in respect of such offence as if it had been committed at any place within British India at which he may be found:

Provided that no charge as to any such offence
Political Agent to cer-shall be inquired into in
tify fitness of inquiry British India unless the
into charge. Political Agent, if there be
one, for the territory in which the offence is alleged
to have been committed, certifies that, in his opinion,
the charge ought to be inquired into in British
India:

Provided also that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India shall be a bar against further proceedings against him under this Code in respect of the same offence in any territory beyond the limits of British India.

190. Whenever any such offence as is referred to

Power to direct copies of depositions and exhibits to be received in evidence.

in section 189 is being inquired into or tried, the Local Act XX Government may, if it thinks fit, direct that copies of depo-

sitions made or exhibits produced before the Political Agent or a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

"Political Agent" defined.

191. In sections 189 and Act XXI 190 the expression "Political 1879, Agent" means and includes—

- (a) the principal officer representing the British Indian Government in any territory beyond the limits of British India:
- (b) any officer in British India appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under the Foreign Jurisdiction and Extradition Act, 1879, for any territory not forming part of British India.

B.—Conditions requisite for Initiation of Proceedings.

192. Except as hereinafter provided, any Presi-Act X,1
dency Magistrate, District
Cognizance of offences
by Magistrates.

Magistrate, Sub-divisional
Magistrate, and any other
Magistrate specially empowered in this behalf, Act IV,1
snay take cognizance of any offence—

Act X,1
(a), (i)
(c),
para.l.
Ss. 25.1

- (a) upon receiving a complaint of facts which constitute such offence;
 - (b) upon a police-report of such facts;
- (c) upon information received from any person act X₁ other than a Police-officer, or upon his own know-ledge or suspicion that such offence has been committed.

The Local Government, or the District Magis- Act X, 18 trate subject to the general or special orders of the ss. 23, 22 Local Government, may specially empower any Magistrate to take cognizance under clause (a) or clause (b) of offences.

193. Any District Magistrate or Sub-divisional Act I, II

Magistrate may transfer any I, 141, pt case, of which he has taken 2.

Cognizance, for inquiry or Act XI, Is trial to any Magistrate subordinate to him.

When any Magistrate of the first class specially empowered in this behalf by the Magistrate of a District has taken cognizance of any case, he may transfer it for inquiry or trial to any other Magistrate in such District competent to deal with it under this Code.

Crimi.

ies and

Trials. 194. Except as otherwise expressly provided X, 1872, by this Code or by any other law for the time being in XI, 1874, 18. Cognizance of offences by Courts of Session. force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction, unless the accused person has been committed by a Magistrate duly empowered in that behalf.

X, 1872, 17. Additional Sessions Judges and Joint Sessions Cases to be tried by Judges shall try such cases Additional and Joint only as the Local Govern-Sessions Judges; ment by general or special order directs them to try, or as the Sessions Judge of the Division makes over to them for trial.

Assistant Sessions Judges shall try such cases X. 1872. Judges.

by Assistant Sessions only as the Sessions Judge of the Division makes to them by general or special order.

195. The High Court may take cognizance of X. 1875. Cognizance of offences any offence upon a commitby High Court. ment made to it in manner hereinafter provided.

ter, 1865, Nothing herein contained shall be deemed to use 24. affect the provisions of any letters patent granted under the twenty-fourth and twenty-fifth of Victoria, chapter 104.

196. No Court shall take cognizance-

X, 1872, 467. X, 1875, 133. (a) of any offence punishable under sections 172 133. Prosecution for contempts of lawful author- Indian Penal Code, except 40, 46. ity of public servants. with the previous sanction, or on the complaint, of the public servant concerned, or of some public servant to whom he is subordinate;

X 1872, (b) of any offence punishable under section 193, N, 1877, tain Prosecution for cer. 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 t of Su. public justice. or 228 of the same Code, dinate when such offence is committed in or in relation to of Su- public justice. eissu any proceeding in any Court, except with the predinate to vious sanction, or on the complaint, of such Court, et Judge. or of some other Court to which such Court is sub-

X, 1872, (c) of any offence described in section 463 or punishable under section 471, V, 1877, Prosecution for certain 475 or 476 of the same Code, offences relating to docu-ments given in evidence. when such offence has been committed by a party to any proceeding in any Court in respect of a document given in evidence in such proceeding, except with

the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate. The sanction referred to in this section may be

Nature of sanction expressed in general terms, and need not name the accused person; but it shall, 1877, so far as practicable, specify the Court or other 36. place in which, and the occasion on which, the West, J. offence was committed. appeal order

When sanction is given in respect of any offence Act X, 1872, referred to in this section, the Court taking cognizance of the case may amend the charge to one of any other offence so referred to which is disclosed by the facts.

Any sanction given under this section may be revoked by any authority to which the authority giving it is subordinate.

For the purposes of this section every Court shall be deemed to be subordinate to the Court to which appeals from the former Court ordinarily lie.

197. No Court shall take cognizance of any Act X. Prosecution for of-Chapter VI of the Indian s. 131. fences against the State. Penal Code, except section Act IV, 1877, 127, or punishable under section 294A of the same Code, unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

198. No Court shall take cognizance of any Act X, 1872, offence of which any Judge, Prosecution of Judges and public servants.

or any public servant not paras. 1. 2, and public servants.

without the sanction of the Government of India s. 132.

or the Local Government, is accused as such Judge Act IV, 1877, or public servant, except with the previous court.

s. 466,

paras. 1. 2,

and 4.

Act X, 1875,

s. 39, 46. Prosecution of Judges or public servant, except with the previous sanction 7 Bom. 63. of the Government having power to order his removal, or of some officer empowered in this behalf by such Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power to give such sanction has not been limited by such Government.

Such Government may determine the person by whom, and the manner in Power of Government which, the prosecution of as to prosecution. such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held.

199. No Court shall take cognizance of an Act X, 1872, offence falling under Chapter s. 142, Prosecution for breach of contract, defamation and offences against mar-XIX or XXI or under sec- para. 2. tions 493 to 496 (both in- s. 29. clusive) of the Indian Penal Code, except upon a complaint made by some person aggrieved by such offence.

200. No Court shall take cognizance of an Act X, 1872, offence under section 497 or ss. 478, 479. 498 of the Indian Penal Act IV, 1877, s. 45. Sec 1 Prosecution for adultery. Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

CHAPTER XVI.

OF COMPLAINTS TO MAGISTRATES.

201. A Magistrate taking cognizance of a case Act X, 1872, on complaint shall at once s. 144. Examination of comexamine the complainant plainant. upon oath, and the examination shall be reduced into writing and shall be

gistrates.

[PART V

triable b Court o Session o High Cour

Act X, 1872, signed by the complainant, and also by the Magis2. Provided that related

Provided that when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 193:

Provided also that where the Magistrate is a Act IV, 1877, Presidency Magistrate, such examination may be on oath or not as the Magistrate in each case thinks fit, and the Magistrate may, if he thinks fit, before the matter of the complaint is brought before him, require it to be reduced to writing:

Provided also that, when the case has been trans-Act X, 1872, s. 44, para. ferred under section 193 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

202. If the Magistrate is not competent to Act X, 1872, s. 145. Procedure by Magis entertain the complaint, and such complaint has been trate not empowered to entertain complaint. made in writing, he shall return it for presentation to the proper tribunal with an endorsement to that effect.

Act X, 1872, 203. If any Presidency Magistrate or Magistrate Postponement of issue reason to distrust the truth of of process. a complaint of which he is au-

thorized to take cognizance, he may, when the complainant has been examined, postpone the issue of process for compelling the attendance of the person complained against, and may direct a previous local investigation to be made by means of any officer immediately subordinate to such Magistrate or of a Police-officer, or by such other person as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

If such investigation is made by means of some person other than an officer exercising any of the powers of a Magistrate or a Police-officer, such person shall exercise all the powers conferred by this Code on an officer in charge of a Policestation, except that he shall not have power to

arrest without warrant.

204. The Magistrate before whom a complaint Act X, 1872, s. 147, para. 1. is made may dismiss the complaint if, after examin-Dismissal of com-Act IV, 1877, plaint. considering the result of the investigation (if any) s. 32. made under section 203, there is in his judgment no sufficient ground for proceeding.

CHAPTER XVII.

OF THE COMMENCEMENT OF PROCEEDINGS BEFORE MAGISTRATES.

205. If in the opinion of a Magistrate taking Act X, 1872, ss. 147, para. cognizance of a case there is Issue of process. sufficient ground for proceed-3, 148, para. Issue of process. sufficient ground for proceed-1, 149.

Act XI, 1874, ing and the case appears to be one in which according to the fourth column of the second schedule a a. 1. ing to the fourth column of the section he shall as. 27, 33, summons should issue in the first instance, he shall

issue his summons. If the case appears to be one in which according to that column a warrant should issue in the first instance, he shall ordinarily issue his warrant for causing such person to appear or be brought at a certain time and place before such Magistrate or some other Magistrate having jurisdiction.

Nothing in this section shall be deemed to affect Act the provisions of section 91.

206. Whenever a Magistrate issues a summons, Act X, Ishamay if he sees reason so s. 151. Magistrate may dis-pense with personal at-tendance of accused.

he may, if he sees reason so s. 151.

to do, dispense with the per-sonal attendance of the co. cused, and permit him to appear by his pleader.

But such Magistrate may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce Act IV, 18 such attendance in manner hereinbefore provided.

CHAPTER XVIII.

OF INQUIRY INTO CASES TRIABLE BY THE COURT OF SESSION OR HIGH COURT.

207. Any Presidency Magistrate, District Ma- Act X, Power to commit for gistrate, Sub-divisional Magistrate, Magistrate of the first class or any Magistrate empowered in this behalf by the Local Government may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

But save as herein otherwise provided, no person triable by the Court of Session shall be committed for trial to the High Court.

208. The following procedure shall be adopted Act X, in inquiries before Magis-Procedure in inquiries trates where the case is Act IV, I triable exclusively by a s. 81. preparatory to commit-Court of Session or High Court or, in the opinion of the Magistrate, ought to be tried by such Court.

209. The Magistrate shall, when the accused Act X. appears or is brought before s. 190 him, proceed to hear the com-Taking produced. of evidence plainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, or as may be called for by the Magistrate.

If the complainant or accused applies to the Act X Magistrate to issue process Process for production of further evidence. to compel the attendance of Act any witness or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to

Nothing in this section shall be deemed to require a Presidency Magistrate to record his reasons.

PART V]

210. When the evidence referred to in section When accused person 209, paragraphs 1 and 2, has to be discharged. mined the accused in regard to such matters connected with the accusation as the Magistrate thinks fit, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accord-

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

X, 1872, 211. When, upon such evidence being taken and When charge is to be such examination (if any) being made, the Magistrate framed. IV, 1877, grounds for committing the accused for trial, he 1V, 1877, shall frame a charge under his hand, declaring 89, omit with what offence the accused is charged.

ng paras. and 4. X, 1872, 199. As soon as the charge has been framed, it shall X, 1875, Charge to be explained, be read and explained to the accused and a copy thereof shall if hereof shall, if he so requires, be given to him free of cost.

X, 1872, 212. The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

> The Magistrate may in his discretion allow the accused to give in any Further list. further list of witnesses at a subsequent time, and nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial before the High Court, to the Clerk of the Crown a further list of the persons whom he wishes to be summoned to give evidence on such trial.

X. 1872. 213. The Magistrate may in his discretion 17, 1877, to examine such witness- witness named in any lief given in to him under section 212.

214. When the accused on being required to Order of commitment. give in a list under section 212 has declined to do so, or 1V, 1877, when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under section 213, the Magistrate may make an order committing the accused for trial by the High Court or the Court of Session (as the case may be), and (unless the Magistrate is a Presidency Magistrate) recording the reasons for such commitment.

215. If any person (not being an European Act
Person charged in Mn. British subject) is accused to
ssal jointly with Eubefore a Magistrate other proper Religious States of the person (not being an European Act

The person charged in Mn.

Person charged in Mn.

**British subject*

Person charged in Mn.

Person charged in Mn.

**British subject*

Person charged in Mn.

**Pers fassal jointly with European British subject. ropean British subject. than a Presidency Magistrate of having committed an offence conjointly with an European British subject who is about to be committed for trial, or to be tried, before the High Court on a similar charge, and the Magistrate finds that there are sufficient grounds for commit-ting the accused for trial, he shall commit him to take his trial before the High Court, and not before the Court of Session.

216. A commitment once made under section Act X, 1872, Quashing commit- 214 or 215 by a competent s. 197, Ex-Quashing commitments under section 214
or 215.

214 or 215 by a competent
Magistrate can be quashed
by the High C by the High Court only, and only on a point of law.

217. When the accused has given in any list Act X, 1872, of witnesses under section Act IV, 1877, defence when act 12 and has been commits, 92. Summons to witnesses for defence when accused is committed, actually summons to witnesses under section 212 and has been committed for trial, the Magistrate ted for trial, the Magistrate shall summon such of the witnesses included in the list as have not appeared before himself to appear before the Court to which

Provided that where such person has been committed to the High Court, the Magistrate may in his discretion leave such witnesses to be sum-

the accused has been committed:

moned by the Clerk of the Crown: Provided also that if the Magistrate thinks that Act X, 1872,

Refusal to summon unnecessary witness unless deposit made.

Refusal to summon the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy I. him that there are reasonable grounds for believing that such witness is material, and if he is not so satisfied, may refuse to summon the witness, or before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of

the witness. 218. Complainants and witnesses for the pro-Act X, 1872, secution and defence, whose s. 360. attendance before the Court s. 93. of Session or High Court is necessary, and who appear before the Magistrate, shall execute before him bonds binding them-selves to be in attendance when called upon at the Court of Session or High Court, to prosecute

If any complainant or witness refuses to attend Detention in custody in case of refusal to at-tend or to execute recog-nizance. before the Court of Session or High Court, or to execute the recognizance above ditend or to execute recognizance above dinizance.

the recognizance above dinizance.

rected, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session or High Court is required, when the Magistrate shall send him in custody to the Court of Session or High Court, as the case may be.

or to give evidence, as the case may be.

The Charge.

Act X, 1872, s. 202, para.

219. When the accused is committed for trial, Commitment when to be notified. the Magistrate shall issue an order to such person as may be appointed by the Local

Government in this behalf, notifying the com-Act XI, 1874, as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge,

Act X, 1872, s.198,paras. 2, 3 and 4.

and shall send the charge, the record of the Charge, &c., to be for-warded to High Court of Session. enquiry and any weapon or other moveable thing which is to be produced in evidence to the Court of Session or (where the commitment is made to the High Court) to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

Act X, 1872, s. 198, para. 4.

When the commitment is made to the High Court English translation to and any part of the record is be forwarded to High not in English, an English Court. be forwarded with the record.

Act X, 1872, 220. The Magistrate may summon and examine supplementary wit2. Act IV, 1877, Power to summon sup8. 91, para.

Ment of the trial and before the commence4. ment of the trial and bind them ment of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

Such examination shall, if possible, be taken in the presence of the accused, and where the Magistrate is not a Presidency Magistrate, a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

Act X, 1875, 221. Pending the trial, the Magistrate shall, subject to the provisions of this Code regarding the taking of bail commit the e sec. 552, accused, by warrant, to custody.

CHAPTER XIX.

See s. 565, in-

OF THE CHARGE.

Form of Charges.

Act X, 1872, s. 489, paras. I to 6. Act IV, 1877, fence. s. 94.

222. Every charge under this Code shall state Charge to state of the offence with which the accused is charged.

Specific name of offence sufficient description.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

If the law which creates the offence does not

give it any specific name, so much of the definition of the How stated where of-fence has no specific name. offence must be stated as to give the accused notice of

the matter with which he is charged.

The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

The fact that the charge is made is equivalent to a statement that every What implied in legal condition required by law to constitute the offence charged was fulfilled in the particular case,

In the Presidency-towns the charge shall be written in English; else-Language of charge. where it shall be written Language of charge. either in English or in the language of the Court.

If the accused has been previously convicted Act X,

Previous conviction of any offence, and it is Act X,
intended to prove such previous conviction for the para.

Purpose of affecting the punishment which the Act IV,
Court is competent to award, the fact of the previous conviction must be stated in the charge. If such conviction must be stated in the charge. If such statement is omitted, the Court may add it at any time before sentence is passed.

Illustrations.

(a) A is charged with the murder of B.

This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code; that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to section 300; or that, if it did fall within Exception 1, one or other of the three provisos to that exception applied to it.

(b) A is charged, under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to B, by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(c) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery, or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Indian Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge. charge.

(d) A is charged, under section 184 of the Indian Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

223. The charge shall contain such particulars Act X. I Particulars as to time, as to the time and place of Act IV, 18 the alleged offence, and the s. 95. place and person.

person (if any) against whom,
or the thing (if any) in respect of which, it was
committed, as are reasonably sufficient to give the
accused notice of the matter with which he is place and person. charged.

224. When the nature of the case is such that Act X, the particulars mentioned in Act IV, When manner of committing offence must be stated.

The particulars mentioned in sections 222 and 223 do not give the accused sufficient which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

Illustrations.

(a) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(b) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(c) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(d) A is accused of obstructing B, a public servant, in discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(e) A is accused of the murder of B at a given time and lace. The charge need not state the manner in which A murdered B.

(f) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

XVIII, 225. In every charge words used in describing

Words in charge taken in sense of law under which affence is punish-able.

an offence shall be deemed to have been used in the sense attached to them respectively by the law under

which such offence is punishable.

226. No error in stating either the offence or X, 1872. the particulars required to be Effect of errors. stated in the charge, and no

IV, 1877, omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Illustrations.

(a) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(b) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(c) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(d) A is charged with the murder of Khoda Baksh on the 21st January. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(c) A was charged with murdering Haidar Baksh on the 20th January and Khoda Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haidar Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

227. When any person is committed for trial det X, 1872,

Procedure on commit. without a charge, or with
ment without charge or an imperfect or erroneous
with imperfect charge. charge, the Court, or, in the
case of a High Court, the Clerk of the Crown,
may frame a charge, or add to or otherwise may frame a charge, or add to or otherwise alter the charge, as the case may be, having regard to the rules contained in this Code as to the form of charges.

228. Any Court may alter any charge at Act X, 1872, any time before judgment ss. 444, is pronounced, or, in the Act X, 1875, case of trials before the ss. 9, 10.

Court of Session or High Court, before the verdict Act IV, 1877, of the inner is returned or the opinions of the ss. 99, 100. of the jury is returned or the opinions of the assessors are expressed.

Every such alteration shall be read and explained to the accused.

229. If the charge framed or alteration made Act X, 1872,
When trial may proceed immediately after preceding sections is such s. 11.
that proceeding immediately Act IV, 1877,
with the trial is not likely in the opinion of the s. 101. with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may in its discretion, after such charge or alteration has been framed or made, proceed with the trial as if the new or altered charge had been the original charge.

230. If the new or altered charge is such that Act X, 1873,

When new trial may proceeding immediately with s. 448.

be directed, or trial susthe trial is likely, in the Act X, 1875,
pended. opinion of the Court, to pre-Act IV, 1877,
indice the accused or the prosecutor as aforesaid, s. 102. judice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

231. If the offence stated in the new or altered Act X, 1872.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

charge is one for the proses. 450.

cution of which previous sancs. 16.
s. 16. tion is necessary, the case Act IV. 1877, shall not be proceeded with s. 104. shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the altered charge is founded.

Recall of witnesses when charge altered by the Court Act X, 1872,

after the commencement of the trial, the prosecutor and the accused shall be allowed to ting during the trial, such alteration, any witness who may have been the trial, so that the trial, such alteration, any witness who may have been the trial, so that the trial, so that the trial t examined.

233. If any Appellate Court, or the High art X, 1872, Effect of material error. Court in the exercise of its powers under Chapter XXVII, is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

If the Court is of opinion that the facts of the case are such that no valid charge could be pre-

The Cha

The Charge.

ferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

Act XI, 1874, A is convicted of an offence under section 196 of the Indian Penal Code, upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

Joinder of Charges.

Act X, 1872, 234. There must be a separate charge for every distinct offence of which any Act X, 1875, Separate charges for person is accused, and every such charge must be tried s. 105. separately, except in the cases mentioned in secseparately, except in the cases mentioned in sections 235, 236, 237 and 240.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing

grievous hurt.

235. When a person is accused at the same time of more offences than one of the same kind may be explanation. charged within a year of the same kind, committed within one year of each other, he may be charged in the same had tried at one trial for, any number of the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, he may be charged in the same kind, committed within one year of each other, as it is satisfied in the same kind, committed within one year of each other.

S. 18.

10 Kin, 480. With, and tried at one trial for, any number of the same kind, committed within one year of each other.

S. 18.

24 A 25 Vic., c. 96, s. 5.

Act X, 1872,

236. I .- If, in one series of acts so connected I.—Trial of more than together as to form the same transaction, more offences s. 454, omitting Illustrations I.—Trial one offence. than one are committed by and (b). the same person, he may be charged with, and let X, 1875, tried at one trial for, every such offence.

s. 19.

Act IV, 1877, II.—If the acts alleged constitute an offence.

II.—One offence fall. falling within two or more separate definitions of any tions.

law in force for the time being by which offences are defined or punished, the person accused of them may be charged with and tried at one trial for each of such offences.

III .- If several acts, of which one or more than one would by itself constitute an offence, form, constituting more than one offence, but collectively coming within one definition. when combined, a different offence, the person accused of them may be charged with and tried at one trial for every such offence, or any of such different offences.

Nothing contained in this section shall affect the Indian Penal Code, section 71.

Illustrations

to paragraph I-

(a) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose cus-

tody B was. A may be charged with and tried for offences under sections 225 and 333 of the Indian Penal Code.

- (b) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497 of the Indian Penal Code.
- (c) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal
- (d) A has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 473 of the Indian Penal Code.
- (e) With intent to cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having committed an offence knowing that there is no just or lawful ground for such charge. A may be separately charged with, and convicted of, two offences under section 211 of the Indian Penal Code.
- (f) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under sections 211 and 194 of the Indian Penal Code.
- (g) A, with six others, commits the offences of rioting, grievous hurt, and of assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under sections 147 and 325 and 152 of the *Indian* Penal Code.
- (h) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 506 of the Indian Penal Code.

The separate charges referred to in illustrations (a) to (h) respectively may be tried at the same time.

to paragraph II-

- (i) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code.
- (j) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code.
- (k) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code.
- (1) A dishonestly uses a forged document as genuino evidence, in order to convict B, a public servant, of an offence under section 167 of the Indian Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same

to paragraph III-

(m) A commits robbery on B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code.

2

Trial of 479 Summonsgistrates.

et X, 1872,
s. 455.
Where it is doubtful
s. 20.
et IV, 1875, what offence has been committed.
which of several offences the facts which can be proved will constitute, the accused

may be charged with having committed all or any of such offences; and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences.

Illustration.

A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust, or cheating.

X, 2872, 238. If, in the case mentioned in section 237, 456.

X, 1875, When a person is charged with one offence, iv, 1877, he can be convicted of another.

the accused in section 237, the accused is charged with one offence, and it appears in evidence that he committed a different of the committed and a different offence for which

he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be), though he was not charged with such offence.

239. When a person is charged with an offence X. 1872. 457. X, 1875, When offence proved included in offence charged. consisting of several particulars, a combination of some only of which lars, a combination of some only of which constitutes a t IV, 1877, included t 110.

complete minor offence, and ser West, J. such combination is proved but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

When a person charged with an offence proves circumstances which reduce it to a minor offence, he may be convicted of the minor offence although he is not charged with it.

Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 199 or section 200 when no complaint has been made as required by that section.

Illustrations.

(a) A is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(b) A is charged under section 325 of the Indian Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of the Penal Code.

240. When more persons than one are accused Act X, 1872, of the same offence, or of s. 458.

What persons may be different offences committed Act X, 1875, in the same of the in the same transaction, or Act IV when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks fit, and the provisions contained in the former part of this chapter shall apply to all such charges.

Illustrations.

(a) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(b) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the

(c) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

241. When more charges than one are made Act X, 1872, s. Withdrawal of remaining charges on conviction on one of several
been had on one or more been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw, or such with the consent of the country of its own accord may suspend the inquiry into, or trial of, the remaining charge or plainant."
charges. Such withdrawal shall have the effect Act X, 1875,
of an acquittal on such charge or charges.

Act IV, 1877,
s. 112.

words "In trials before a Court of Ses.

CHAPTER XX.

OF THE TRIAL OF SUMMONS-CASES BY MAGIS-TRATES.

242. The following procedure shall be observed Act X, 1872,
Procedure in summonsby Magistrates in the trial s. 203, para.
of summons-cases.

Act IV, 1877.

243. When the accused appears or is brought Act IV, 1877.

Substance of accusation before the Magistrate, the particulars of the offence of para.

which he is accused shall first clause. 206, para.

has any cause to show why he should not be Act IV, 1877, convicted; but no formal charge shall be framed.

244. If the accused admits that he was a substantial in the shall be framed.

244. If the accused admits that he has com- Act X, 1872, mitted the offence with which s. 206, para. he is charged, his admission Act IV, 1877 shall be recorded as nearly s. 120. Conviction on admission of truth of accusation. as possible in the words used by him; and if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly.

245. If the accused does not make such ad- Act X, 1872, Procedure when no mission, the Magistrate 8. 207, such admission is made. shall proceed to hear the com- 8. 121. plainant (if any), and take all such evidence as

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Pr. V Cil. X

Trial of Summons-Magistrates.

may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

Act X, 1872, The Magistrate may, if he thinks fit, on the s. 361.

Act IV, 1877, application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

246. If the Magistrate upon taking the evi-Act X, 1872,

8, 211, paras.

1 and 2.

Acquittal.

Acquittal.

Acquittal.

246. If the Magistrate upon taking the evidence referred to in section 245 and such further evisities, 126.

Acquittal.

246. If the Magistrate upon taking the evidence referred to in section 345 and such further evidence is 126. to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

If he finds the accused guilty, he shall pass sentence upon him according

to law.

247. A Magistrate may, under section 244 or section 29, second by complaint or sum-cused of any offence triable under this chapter which s. 117.

Nelson, 206. to have committed, who force. the complaint or summons.

Act X, 1872, 248. If the s ss. 205, 208, Non-appearance Act IV, 1877, complainant, s. 118. 248. If the summons has been issued on comof plaint, and upon the day ap-pointed for the appearance of the accused or any day subsequent thereto to which the hearing may be adjourned the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day.

Act X, 1872, s. 210. Act IV, 1877, s. 125.

249. If a complainant, at any time before a final order is passed in any case under this chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to

withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

250. In any case instituted otherwise than Power to stop proceed. upon complaint, a Presidency ings when no complain. Magistrate or Magistrate of the first class, or, with the previous sanction of the District Magistrate, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction.

Act X, 1872, 251. If s. 209, paras, 1 and 2. Frivolous of Act IV, 1877, complaints. s. 242.

251. If in any case instituted upon complaint Frivolous or vexations a Magistrate acquits the acsection 248, and is of opinion that the complaint was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct the complainant to pay to the accused, or to each of the accused where there are more than

one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit.

The sum so awarded shall be recoverable as if it were a fine; and if it cannot be so recovered, the com-Recovery of compenplainant shall be sentenced to simple imprisonment for such term, not exceeding thirty days, as the Magistrate directs, unless such

sum is sooner paid. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

CHAPTER XXI.

OF THE TRIAL OF WARRANT-CASES BY MAGIS-TRATES.

252. The following procedure shall be observed Act X, by Magistrates in the trial Procedure in warrantof warrant-cases.

253. When the accused appears or is brought Act X, 18 Evidence for prosecu- before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) See I. L. and take all such evidence as may be produced in support of the prosecution.

The Magistrate shall ascertain, from the com- Act X, 18 plainant or otherwise, the names of any persons 362, pan likely to be acquainted with the facts of the case Act IV, I and to be able to give evidence for the prosecution, 1. and shall summon to give evidence before himself such of them as he thinks necessary.

ch of them as he thinks necessary.

254. If upon taking all the evidence referred Act X, I to in section 253, and such so in section 253, and such section 253, and such section 253. accused as the Magistrate thinks necessary, he finds that no case against the accused has been made out which if unrebutted would warrant his conviction, the Magistrate shall discharge him.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

255. If, when such evidence and examination Act X, Charge to be framed have been wholly or partially s. 216, out Es taken, the Magistrate is out Es ations of opinion that there is Act XI, ground for presuming that the accused has committed an offence triable under this chapter, Act IV,
which such Magistrate is competent to try, and
which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

256. The charge shall then be read and ex- Act X, plained to the accused, and s. 217. he shall be asked whether he Act V. ss. 120 is guilty or has any defence to make.

If the accused pleads guilty, the Magistrate Cf.ActXl shall record the plea, and may in his discretion 2, 324 convict him thereon.

PART V]

X, 1872, 218. 1V, 1877, 121.

257. If the accused refuses to plead or does not plead, or claims to be tried, he shall be called upon to enter upon his defence and to produce his evidence, and shall, at any time while he is making his defence, be allowed to recall and cross-examine any witness for the prosecution present in the Court or its precincts.

If the accused puts in any written statement, the Magistrate shall file it with the record.

258. If the accused applies to the Magistrate X, 1872, v, 1877, fence.

to issue any process for compelling the attendance of any witness (whether he has 143, para. or has not been previously examined in the case) or 253 and the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded by him in writing, he considers that such application should be refused.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

259. If in any case under this chapter in which a charge has been framed g the Exthe Magistrate finds the acinfra, s. cused not guilty, he shall record an order of iv, 1877, acquittal. 126, first If in

If in any such case the Magistrate finds the accused guilty, he shall pass Conviction. sentence upon him according

to law.

260. When the proceedings have been insti-Absence of complainant, tuted upon complaint and upon any day fixed for the 7,s.118; hearing of the case the complainant is absent and see s. the offence may be lawfully compounded, the of same. Magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.

CHAPTER XXII.

OF SUMMARY TRIALS.

261. Notwithstanding anything contained in Power to try summa. this Code, the District Ma-1872. rily. gistrate and any Magistrate of the first class specially empowered in this behalf by the Local Government may try in a summary way all or any of the following

R., 3 Cal., (a) Offences not punishable with death, transportation, whipping, or imprisonment for a term exceeding six months;

- (b) Offences relating to weights and measures, under sections 264, 265 and 266 of the Indian Penal Code;
 - (c) Hurt, under section 323 of the same Code;
- (d) Theft, under section 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed fifty rupees;

(e) Receiving or retaining stolen property, under section 411 of the same Code, when the value of such property does not exceed fifty rupees;

(f) Assisting in the concealment or disposal of stolen property, under section 414 of the same Code, when the value of such property does not exceed fifty rupees;

Code;

(h) House-trespass, under section 448 of the same Code;

(i) Insult with intent to provoke a breach of Act XI, 1874, the peace, under section 504, and criminal inti-midation, under section 506, of the same Code;

(k) An attempt to commit any of the foregoing offences when such attempt is an offence:

trate exercises the special powers conferred by section 34 shall be tried in a summary way.

262. The Local Government may confer on any Act X, 1872,

Bench of Magistrates inMagistrates invested with the powers of a
Magistrate of the second or

of Magistrates invested with less power,

third class power to try summarily all or any of the following offences :-

(a) Offences against the Indian Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426 and 447;

(b) Offences against Municipal Acts, and the conservancy-clauses of Police Acts, punishable only with fine, or with imprisonment for a term not exceeding one month;

(c) Abetment of any of the foregoing offences;

(d) An attempt to commit any of the foregoing offences when such attempt is an offence.

263. In trials under this chapter, the procedure Act X, 1872, prescribed for summons-cases s. 226. Procedure for sum-ons and warrant-cases shall be followed in summons and warrant-cases applicable with certain mons-cases, and the proceexceptions. dure prescribed for warrantcases shall be followed in warrant-cases, except as hereinafter mentioned.

264. In cases where no appeal lies, the Magistates Act X, 1872, Record in cases where there is no appeal. of the witnesses or frame a formal charge; but he or they shall enter in such form as the Local Government may direct the following particulars :-

(a) the serial number;

(b) the date of the commission of the offence;(c) the date of the report or complaint;

the name of the complainant (if any)

(e) the name, parentage and residence of the accused;

(f) the offence complained of or proved;
(g) the plea of the accused and his examination (if any);

(h) the finding, and, in the case of a conviction, a brief statement of the reasons therefor;

(g) Mischief, under section 427 of the same

(j) Abetment of any of the foregoing offences;

Provided that no case in which a District Magis-

New.

Trialsbefore High Courts 482 of Session.

> (i) the sentence or other final order ; and (j) the date on which the proceedings termin-

Act X, 1872, *. 228.

265. In every case tried summarily by a Magistrate or Bench in which an Record in appealable appeal lies, such Magistrate or Bench shall, before passing sentence, record a judgment embodying the substance of the evidence and also the particulars mentioned in section 264.

Such judgment shall be the only record in cases

coming within this section.

Act X, 1872, a. 229

266. Records made under section 264 and judg-Language of record ments recorded under section 265 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately subordinate so directs, in such officer's mother-tongue.

Act X, 1872, 2. 230.

The Local Government may authorize any Bench of Magistrates em-Bench may be authorized to employ clerk. powered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

CHAPTER XXIII.

OF TRIALS BEFORE HIGH COURTS AND COURTS OF SESSION.

A .- Preliminary.

267. In this chapter, except in section 308, the "High Court" defined. expression "High Court" means a High Court of Judi-Act X, 1875, s. 3, cature established or to be established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, and includes the Chief Court of the Panjáb, and such other Courts as the Governor General in Council may from time to time, by notification in the Gazette of India, declare to be High Courts for the purposes of this chapter.

268. All trials under this Act X, 1875, Trials before High 8 32. Court to be by jury. chapter before a High Court shall be by jury;

and, notwithstanding anything herein contained, in all criminal cases transferred to a High Court under this Code or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, the trial may, if the High Court so direct, be by jury.

Act X, 1872, Trials before Sessions court to be by jury or with assessors. aid of assessors.

269. All trials before a Court of Session shall be either by jury, or with the

ct X, 1872,

270. The Local Government may by order in the official Gazette direct that the trial of all offences, Local Government may order trials before Court of Session to be by jury. of Session to be by jury. or of any particular class of offences, before any Court of Session, shall be by jury in any District, and from time to time revoke or alter such order.

When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for each offence.

271. The every trial before a Court of Session, Act X, 271. The every trial before a Court of Session, Act X, 235 the prosecution shall be conducted by a Public Prosecutor.

B .- Commenceme of Proceedings.

272. When the Court is ready to commence act the trial, the accused shall the trial, be brought before appear on the commence appear of the commence appear of the commence appear of the commence appear of the commence accused shall the commence appear of the commence accused the co appear obses harge shall be it, and the charge 'e asked Act read and explained to him, and he shall berved ast

whether he is guilty of the offence charged, claims to be tried. If the accused pleads guilty, the plea shall be

recorded, and he may be con-Plea of guilty.

273. If the accused refuses to, or does not, Act plead, or if he claims to be Act In the Court shall pro-Refusal to plead or claim to be tried. tried, the Court shall pro-ceed to choose jurors or as-

sessors as hereinafter directed and to try the case:
Provided that, subject to the right of objection s. hereinafter mentioned, the Act Trial by same jury or assessors of several of-fenders in succession. 8. 34 same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as the Court thinks fit.

274. When it appears to the Court at any times before the commencement Entry on unsustainable of the trial of the person charged, that there is no legal evidence to sustain any charge or a portion thereof, the Judge may make on the charge at

entry to that effect: Such entry shall have the effect of staying progr ceedings upon the charge one portion of the charge, as the Effect of entry.

case may be. C .- Choosing a Jury.

ary Act X 275. In trials before the High Court the isons. shall consist of nine penn, the Act X Number of jury. In trials by jury before the Court of Sessict being

jury shall consist of such uneven number note Local less than three, or more than nine, as therticular Government, by order applicable to any palences in district or to any particular class of offers, that district, may from time to time direct ourt of Act X

276. In a trial by jury, before the Ca not be-Session, of a persor in Amer-Jury for trial of persons not Europeans or Americans before Court of Session. ing an European or a the jury ican, a majority of sires, conshall, if he so desho are neisist of persons wl

277. The jurors shall be chosen by mmoned to so the persons sure the manner so to be chosen lot.

Jurors to be chosen act as such, in su as the High Court may from As to tice in the persons sure the manner so the first in the ther Europeans nor Americans. Jurors to be chosen by lot.

time to time by rule direct:

Ression.

fore High

Courts &

Courts of

Session.

Trials

Proviso.

Provided that-

x, 1875, 1st, pending the issue under this section of rules for any Court, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed.

x, 1872, 2nd, in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present; and

X, 1875, Trials before special 3rd, in the Presidency-38. jurors. Presidency-

- (a) if the accused person is charged with having committed an offence punishable with death, or
- (b) if in any other case a Judge of the High Court so directs,

the jurys shall be chosen from the special jury list hereinafter prescribed.

1872. 278. As each juror is chosen, his name shall be 3, pa and 2. Names of jurors to be called aloud, and upon his appearance, the accused shall be asked if he objects to be tried by such juror.

Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated:

Objection without grounds stated shall be allowed to the number of eight on behalf of the Persons charged.

Provided that, in the High Court, objections without grounds stated shall be allowed to the number of eight on behalf of the Person or all the persons charged.

X, 1872, 279. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction 47, 54. of the Court, shall be allowed:—

- (a) some presumed or actual partiality in the juror;
- (b) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force, or being under the age of twenty-one or above the age of sixty years;
- (c) his having by habit or religious vows relinquished all care of worldly affairs;
 - (d) his holding any office in or under the Court;
- (e) his executing any duties of Police or being entrusted with Police-duties;
- (f) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury;
- which the evidence is given, or when such evidence is interpreted, the language in which it is interpreted;

(h) any other circumstance which, in the opinion of the Court, renders him improper as a juror.

280. Every objection taken to a juror shall Act X, 1872, be decided by the Court, and a such decision shall be recorded Act X, 1875, ss. 48, 55.

If the objection is allowed, the place of such Act X, 1872, s. 243, para. Supply of place of juror shall be supplied by 4 juror against whom any other juror attending Act X, 1875, objection allowed. in obedience to a summons s. 56. and chosen in manner provided by section 277; or, if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided that no objection to such juror or other person is taken under section 279 and allowed.

281. When the jurors have been chosen, they act X, 1872, shall appoint one of their Act X, 1875, number to be foreman.

The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors.

If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court.

282. When the foreman has been appointed, New.

Swearing of jurors.

the jurors shall be sworn under the Indian Oaths Act,

Procedure when jury time before the return of the verdiet, any juror, from any sufficient cause, is prevented from attending throughout the trial, or if any juror absents himself, and it is not possible to enforce his attendance, a new juror shall be added, or the jury shall be discharged and a new jury chosen.

In each of such cases the trial shall commence anew.

284. The Judge may also discharge the jury Act X, 1875,

Discharge of jury in
case of sickness of prisoner.

Discharge of jury in
comes incapable of remaining at the bar,

D .- Choosing Assessors.

285. When the trial is to be held with the Act X, 1872, aid of assessors, two or more s. 239.

Assessors how chosen. shall be chosen, as the Judge thinks fit, from the persons summoned to act as such.

286. If, in the course of a trial with the aid Act X, 1872, of assessors, at any time s. 259.

Procedure when assessor is unable to attend. prior to the finding, any assessor is, from any sufficient cause, prevented from attending throughout

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Session.

the trial, or absents himself, and it is not possible to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

If all the assessors are prevented from attending or absent themselves, the proceeding shall be stayed, and a new trial shall be held with the aid of fresh assessors.

E.—Trial to Close of Cases for Prosecution and Defence.

Act X. 1872, 287. When the ju 8. 247. Act X1, 1874, Opening case for pro-8. 19. Act X, 1875, 9. 59. or other law the descrip-287. When the jurors or assessors have been chosen, the prosecutor shall open his case by reading from the Indian Penal Code or other law the description of the offence charged, and stating shortly by what evidence he expects to prove the guilt of the accused.

The prosecutor shall then

Examination of wit- examine his witnesses.

Act X, 1872, 288. The examination of the accused before s. 248.
Examination of actained before Magistrate shall be tendered by the prosecutor and read as evidence. secutor and read as evidence.

8. 249. Evidence given at presence of the accused be8. 20. Act XI, 1874, Preliminary inquiry ad8. 20. Act X, 1875, missible. Trate may, in the discretion
8. 75. of the presiding Judge, if such witness is propendix, 16, duced and examined, be treated as evidence in the
17. case.

The exercise of this discretion may

be reviewed on appeal, 11 Bam. 282.

Bom. 282.

Act X, 1872, s.

Act X, 1875, amination of witnesses

8. 62.

Act X, 1875, amination of witnesses

Frocedure after exfor the prosecution and the
examination (if any) of the
accused is concluded, the accused shall be asked whether he means to adduce evidence.

In such case it If he says that he does not, the prosecutor may is not necessum up his case; and if the Court considers that sary to ask there is no legal evidence to sustain the charge, it may their opinion, then, in a case tried with the aid of assessors, record—I. L. R., 1 a finding, or, in a case tried by a jury, direct the All, 610, n. jury to return a verdict, of not guilty.

If the accused, or any one of the accused (when there are several), says that he means to adduce

there are several), says that he means to adduce evidence, or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case and the Court considers that there is legal evidence to sustain the charge, the Court shall call on the accused to enter on his defence.

Act X, 1872, s. 251, para. 3. Act X, 1875, s. 62.

291. The accused or his pleader may then open his case, stating the facts or Defence. law on which he intends to rely, and making such comments as he thinks necessary on the evidence for the prosecution. He may then examine his witnesses, if any, and after

their cross-examination and re-examination (if any) may sum up his case.

Act X, 1872, 292. The accused shall be allowed to examine any witness not previously examination and sum
Right of accused as to any witness not previously named by him, if such witness is in attendance; but

a.91.

he shall not, except as provided in section 212, be entitled of right to have any witness sum-moned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

293. If the accused, or any of the accused, Act X,
has stated, when asked under s. 252.
Prosecutor's right of section 290, that he means s. 63. Prosecutor's right of reply. to adduce evidence, the prosecutor shall be entitled to reply.

294. Whenever the Court thinks that the jury Act X. or assessors should view the or assessors should view the s. 253
place in which the offence Act X,
charged is alleged to have Taken View by jury or assessors. been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court.

Such officer shall not, except with the permission of the Court, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and, unless the Court otherwise directs, they shall, when the view is finished, be immediately conducted back into Court.

295. If a juror or assessor is personally ac- Act quainted with any relevant When juror or assessor may be examined. fact, it is his duty to inform Act the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness.

296. If a trial is adjourned, the jury or assessors shall attend at the ad-Jury or assessors to attend at adjourned sitjourned sitting, and at every Act subsequent sitting, until the conclusion of the trial.

297. The High Court may from time to time Act X. make rules as to keeping the Locking-up jury. jury together during a trial before such Court lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

F .- Conclusion of Trial in Cases tried by Jury.

298. In cases tried by jury, when the case for Act X.1 cutor's reply, if any, are Act of the jury, summing up the evidence for the prosecution and defence, and laying down the jury which the jury which the jury are to be guided.

299. In such cases, it is the duty of the Act X.

Budge—

Judge—

Judge

Act X.

8,91 Duty of Judge.

(a) to decide all questions of law, and especially all questions as to the relevancy of facts which it is proposed to prove, the admissibility of evidence or the propriety of questions asked by or on behalf

ts and

sels of

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Trials before High Courts and Courts of Session.

of the parties which may arise in the course of the trial, and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

(b) to decide upon the meaning and construction of all documents given in evidence at the trial:

(c) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given ;

(d) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall be final.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(a) It is proposed to prove a statement made by a person not called as a witness under circumstances which render evidence of his statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(b) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

300. It is the duty of the 1 1872 Duty of jury. Duty of jury.

jury—

(a) to decide which view of the facts is true,

1875. and then to return the verdiet which under such view ought, according to the direction of the Judge, to be returned;

(b) to determine the meaning of all technical terms (other than terms of (aw) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not:

(c) to decide all questions which according to law are to be deemed questions of fact;

(d) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(a) A is tried for the murder of B.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts A ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(b) The question is whether a person entertained a reasonable belief on a particular point,—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

301. In cases tried by jury, after the Judge has finished his charge, the Retirement to consider. jury may retire to consider their verdict.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

302. When the jury have considered their Act X, 1872, s. verdict, the foreman shall in-form the Judge what is their s. 94. Delivery of verdict.

Procedure where jury differ.

may require them to retire for 3.

further consideration. After Act X, 1875, such a period as the Judge s. 96.

considers reasonable, the jury may deliver their I. L. R., 6

Cate., 351

(where the jury are unanimous).

304. Unless otherwise ordered by the Court, the Act Verdict to be given on ch charge.

Judge may question on all the charges on which Act X, 1875, the charge of the charges on which Act X, 1875, the charge of the cha each charge.
Judge may question Judge may ask them such questions as are necessary to ascertain what their verdict is.

Questions and answers to be recorded.

Such questions and the Act X, 1872, answers to them shall be s. 263, para, recorded.

305. When by accident or mistake a wrong verdict New. Dear is delivered, the jury may, C. C. 229. Amending verdict. before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended.

306. When in a case tried before a High Court Act X, 1875, the jury are unanimous in Verdiet in High Court their opinion, or when as many as six are of one opinion and the Judge agrees with them, the Judge shall give judgment in accordance with such opinion.

When in any such case the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

If the Judge disagrees with the majority, he Discharge of jury in shall at once discharge the

other cases.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such opinion, the Judge shall, after the lapse of such opinion. time as he thinks reasonable, discharge the jury.

Werdict in Sessions Court when to prevail.

Sessions the Judge does s. 263, para not think it necessary to 4. express disagreement the verdict of the jurors or of a majority of the jurors, he shall give judgment accordingly

If the accused is acquitted, the Judge shall Act XI, 1874, record judgment of acquittal. If the accused s. 21. is convicted, the Judge shall pass sentence on him according to law.

308. If in any such case the Judge disagrees Act X, 1872, s. with the verdict of the 263, paras. jurors, or of a majority of the 5 and 6. Act XI, 1874, jurors, on all or any of the 5 and 6. Procedure where Judge disagrees with verdict. charges on which the accused has been tried, so I. L. completely that he considers it necessary for the The ends of justice to submit the case to the High Court, he shall submit the case accordingly, record-

dis must complete, I. L. R.

Bom., 526.

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ing the grounds of his opinion and, when the verdict is one of acquittal, stating the offence which L. B., 3 he considers to have been committed.

Cale., 623. Whenever the Judges of

Whenever the Judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody, or admit him to bail.

J., in 1. L. Court may exercise any of the powers which it may R., 3 Cale, exercise on an appeal; but it may acquit or convict 192. the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it; and if it convict him, may such sentence as might have been passed by the Court of Session.

G .- Re-trial of Accused after Discharge of Jury. Act X, 1875, 309. Whenever the jury is discharged, the accused shall be detained in custody or on bail (as the after discharge of jury. case may be), and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

> H .- Conclusion of Trial in Cases tried with Assessors.

Act X, 1872, 310. When in a case tried with the aid of assessors, the case for the defence and the prosecutor's assessors. assessors, the case for the reply (if any) are concluded, the Court shall require each of the assessors to state his opinion orally, and shall record such opinion.

> The Judge shall then give judgment; but in doing so shall not be bound Judgment. to conform to the opinion of the assessors.

I .- List of Jurors for High Court and summoning Jurors for that Court.

Act X, 1875, s. 39.

311. The jurors' book for the year current when this Code comes into force shall be taken as containing a correct list of persons liable to serve as-jurors under this chapter;

and those persons whose names are entered in the said book as being liable to serve on special juries only shall be deemed to be persons privi-leged and liable to serve only as special jurors under this chapter during the year for which the said list has been prepared.

Act X, 1875, s. 40.

312. The names of not more than two hundred Number of special persons shall at any one time be entered in the special jurors' list.

Act X. 1875, s. 41.

All persons whose names are entered in the special jurors' list shall be Exemption of special exempted from serving on any other than special juries but so long as their names are contained in such list.

313. The Clerk of the Crown shall, before the first day of April in each year, and subject to such Act X, Lists of common and special jurors. rules as the High Court from . 42. time to time prescribes, prepare-

(a) a list of all persons liable to serve as common jurors; and

(b) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council in the case of the High Court at Calcutta, and in the case of other High Courts the Local Government, may exempt any salaried officer of Government from serving as a juror.

The Clerk of the Crown shall, subject to such Act X. rules as aforesaid, have full Discretion of officer preparing lists. discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

314. Preliminary lists of persons liable to serve Act as common jurors and as Publication of prelimispecial jurors, respectively, nary lists. signed by the Clerk of the Crown, shall be published once in the local official Gazette before the fifteenth day of April next after their preparation.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

315. Out of the persons named in the revised Act X, lists aforesaid, there shall be s. 45. Number of jurors to summoned for each sessions be summoned. at least twenty-seven of those who are liable to serve on special juries, and fiftyfour of those who are liable to serve on common juries.

No persons shall be so summoned more than once in six months unless the number cannot be made up without him.

If, during the continuance of any sessions, it appears that the number of Supplementary sumpersons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

316. Whenever a High Court has given notice Act X. Summoning jurors of its intention to hold sit-outside the Presidency- tings at any place outside the tings at any place outside the Presidency-towns for the towns. exercise of its original criminal jurisdiction, the

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Courts

Session.

Court of Session at such place shall, subject to any direction which may be given by the High Court, summon a sufficient number of jurors from its own list in the manner hereinafter prescribed for summoning jurors to the Court of Session.

317. In addition to the persons so summoned as jurors, the said Court of 1875, Military jurors. Session shall, if it think needful, after communication with the Commanding Officer, cause to be summoned such number of commissioned and non-commissioned officers in Her Majesty's Army resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of persons charged with offences before the High Court as aforesaid.

*All officers so summoned shall be liable to serve on such juries notwithstanding anything contained in this Code; but no such officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

318. Any person summoned under section 315, X. 1875. 316 or 317, who without law-Failure of jurors to ful excuse fails to attend as attend. required by the summons, or who, having attended, departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit; and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

J.—List of Jurors and Assessors for Court of Session, and summoning Jurors and Assessors for that Court.

I 1872, 319. All male persons between the ages of Liability to serve as twenty-one and sixty shall, jurors and assessors. except as next hereinafter mentioned, be liable to serve as jurors and assessors at any trial held within the District in which they reside.

320. The following persons are exempt from liability to serve as jurors 1, 1872. 244. 405, S. para. 1. or as assessors, namely :-

(a) Officers in civil employ superior in rank to a District Magistrate;

(b) Judges;

- (c) Commissioners and Collectors of Revenue or Customs;
- (d) Persons engaged in the Preventive Service in the Customs Department;
- (e) Persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty;
- (f) Persons actually officiating as priests or ministers of their respective religions;
- (g) Persons in Her Majesty's Army except when, by any law in force for the time being, they

are specially made liable to serve as jurors or

- (h) Surgeons and others who openly and constantly practise the medical profession;
- (i) Persons employed in the Post-office and Telegraph Departments;
- (j) Persons exempted by the Local Government from liability to serve as jurors, and persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure, sections 640 and 641.

321. The Sessions Judge and the Collector of Act X, 1872, the District, or such other 5, 400. List of jurors and officer as the Local Government appoints in this behalf, shall prepare and make out in alphabetical order a list of persons liable to serve as jurors or assessors, qualified in the judgment of the Sessions Judge and Collector or other officer as aforesaid to serve as such, and not likely to be successfully objected to under section 279, clauses (b) to (h), both inclusive.

The list shall contain the name, place of abode and quality or business of every such person; and if the person is a European or an American, the list shall mention the race to which he belongs.

322. Copies of such list shall be stuck up in Act X, 1872, the office of the Collector or Publication of list. s. 401, para. other officer as aforesaid, and in the Court-houses of the District Magistrate and of the District Court, and in some conspicuous place in the town or towns in or near which the persons named in the list reside.

323. To every such copy shall be subjoined a Act X, 1872, notice stating that objecs. 401, para. 2. Objections to list. tions to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid, at the Sessions Court-house, and at a time to be mentioned in the notice.

324. For the hearing of such objections, the Act X, 1872, Sessions Judge shall sit with s. 402. the Collector or other officer as aforesaid, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may claim the exemption from service given by section 320, and insert the name of any person omitted from and insert the name of any person omitted from the list whom they deem qualified for such service.

In the event of a difference of opinion between the Collector or other officer as aforesaid and the Sessions Judge, the name of the proposed juror or assessor shall be omitted from the list.

A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

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Trials before High Courts and Courts of

Any exemption not claimed under this section shall be deemed to be waived until the list is next revised.

Act X, 1872, s, 403.

Session.

325. The list so prepared and revised shall be again revised once in every year.

The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

Act X, 1872, s. 407.

326. The Sessions Judge shall ordinarily, three days at least before the time fixed for holding the sessions, send a letter to the District

Magistrate requesting him to summon as many persons named in the said revised list as seem to the Judge to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any case about to be tried at such sessions.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them; and the names so drawn shall be specified in the said letter.

Act X, 1872, s. 410.

327. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 326, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever for other reasons such direction is found to be necessary.

Act X, 1872, s. 409, para. 1.

328. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor, as the case may be, at a time and place to be therein specified.

Act X, 1872, s. 411.

When Government or juror or assessor be in the Railway servant may be service of Government or of a Railway Company, the Court may excuse his attendance if it appear, on the representation of the head of the office in which he is employed, that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public.

Act X, 1872, s. 412.

Court may excuse attendance of juror or assessor.

Court may excuse attendance of juror or assessor from attendance at any particular session.

Act X, 1872, s, 413.

331. At each session, the said Court shall cause to be made a list of the names of those who have attended as jurors or assessors at such session.

Such list shall be kept with the list of the jurors and assessors as revised under section 324.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

332. Any person summoned to attend as a Act X, 18 juror or as an assessor who, s. 414.

Penalty for non-attendance of juror or assessor.

Juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having

attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable, by order of the Court of Session, to a fine not exceeding one hundred rupees.

Such fine shall be levied by the District Magistrate by attachment and sale of any moveable property belonging to such juror or assessor within the local limits of the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may be imprisoned in the civil jail for the term of fifteen days, unless such fine is paid before the end of the said term.

K .- Special Provisions for High Courts.

Power of Advocate General to stay prosecution.

The Holm of the verdiet, the return of the verdiet, the Advocate General may, if he thinks fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the charge; and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal.

334. For the exercise of its original criminal Act X. jurisdiction, every High 5.4. Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Place of holding sittings.

Place of holding sittings.

Place of holding sittings.

Place of holding sittings.

Act X, at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, and as the Local Government in the case of the other High Courts, may direct.

But it may from time to time, in the case of the High Court at Fort William with the consent of the Governor General in Council, and in all other cases with the consent of the Local Government, hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of

General

Provisions

as to In-

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same matter.

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the original criminal jurisdiction of the High

336. The High Court may direct that all European British subjects and Place of trial of European British sub-jects. Place of trial of persons liable to be tried by it under section 215, who have been committed during certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the

or direct that they shall be tried at a particular place named.

CHAPTER XXIV.

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

337. The District Magistrate, a Presidency Tender of pardon to Magistrate, any Magistrate of the first class inquiring 1877, accomplice. into the case, or, with the sanction of the District Magistrate, any other Magistrate, may, in any warrant-case, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned in the perpetration thereof.

Every person accepting a tender under this section shall be examined as a witness in the

Such person, if not on bail, shall be detained in custody until the termination of the trial.

Every Magistrate, other than a District Magistrate or a Presidency Magistrate, who tenders a pardon under this section, shall record his reasons for so doing; and when any Magistrate has made such tender and examined the person to whom it has been made, he shall not try the case himself, although the offence which such person appears to have committed may be triable by such Magis-

338. At any time after commitment, but before Power to direct tender judgment is passed, the Court to which the commitment is made may, with the view of 5, obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or order the committing Magistrate or the District Magistrate to tender, a pardon on the same condition to such person

quiries and Trials. 339. Where a pardon has been tendered under Commitment of person section 337 or 338, and any act X, 1872, tendered.

Section 337 or 338, and any act X, 1872, tender has, either by wilfully act X, 1875, s. 78. concealing anything essential or by giving false s. 78. evidence, not complied with the condition on s. 151. which the tender was made, he may be tried for 7 Calc., 66. the offence in respect of which the pardon was so tendered, or for any other offence of which he ap-

The statement made by a person under pardon may be given in evidence against him when the pardon has been withdrawn under this section.

pears to have been guilty in connection with the

340. Every person accused before any Crimi- Act X, 1872.

Right of accused to be nal Court may of right be s. 186, paras.

defended. defended by a pleader.

Act X, 1872.

1 and 2.

Act X, 1872. s. 13. Act X, 1875, s. 31. Act IV, 1877, s. 130.

341. If the accused, though not insane, cannot Act X, 1872, be made to understand the s. 186, para. Procedure where ac-Procedure where accused does not understand the proceedings, the Court may Act X, 1875, proceed with the inquiry or s. 180.

Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceedings shall be featured. a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Power to examine the cused.

Court may, without pre. ss. 193, para.

Yoused.

Court may, without pre. ss. 193, para.

1, 250, 342.

put such questions to him as s. 61.

Act IV, 1877.

ss. 5, 148.

6 Calc. 521.

1 O'Kin, 436. Power to examine the the Court considers necessary. 1 O'Kin. 436.

The accused shall not render himself liable to Act X, 1872, punishment for refusal to answer such questions, ss. 193, para. or for giving false answers to them; but the 2, 343; see Court and the jury (if any) shall draw such inferse. 114, 111, ence from such refusal or answers as it thinks (h). just.

The answers given by the accused may be put Act X, 1872, in evidence for or against him, not only in such s. 193, Expla. inquiry or trial, but also in any other inquiry into, or trial for, any other offence which such answer may tend to show he has committed.

No oath shall be administered to the accused. Act X, 1872,

343. Except as provided in sections 337 and 338, Act X, 1872, no influence, by means of any Act IV, 1877, promise or threat or other- s. 149. influence to be promise or threat or other-wise, shall be used to an ac-cused person to induce him used to induce disclosto disclose or withhold any matter within his knowledge.

as to

General Provisions as to In- 490 quiries and Trials.

	absence of a witness or any other reasonable cause, it
Power to postpone or Act X,1872,ss. adjourn proceedings.	becomes necessary or advis- able to postpone the com-
194, para. 1 and Expls., mencement of, or 208, para.1, the Court may, by 219, 264. Act X. 1875, reasons therefor, from 6.66, adjourn the same or Act IV, 1877, 88, 86, 124. Remand.	adjourn, any inquiry or trial, y order in writing, stating the m time to time postpone or a such terms as it thinks fit, for such time as it considers reasonable, and by a warrant
11 & 12 Vic., c. 42, s. 21. remand the accused i	if in custody:

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time.

Every order made under this section by a Court other than a High Court shall be in writing signed. by the presiding Judge.

EXPLANATION .- If sufficient evidence has been Reasonable cause for cion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Act X, 1872, 345. The offences punishable under the sections of s. 188.

Let X, 1875, Compounding of the Indian Penal Code described in the first two s. 151.

Act IV, 1877, columns of the Table next following may be coms. 133.

Compare N. pounded by the persons mentioned in the third Y. Crim. column of that Table:

Proc. Code, s. 731.

Sections of

Offence.	Sections of Indian Penal Code appli- cable.	Person by whom offence may be compounded.
Causing hurt	323, 334, 337, 338	whom the hurt
Wrongfully restraining or confining any person.	341, 342	The person re- strained or con- fined.
Assault or use of criminal force.	352, 358	The person assaulted or to whom criminal force is used.
Unlawful compulsory labour.	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person.	426, 427	The person to whom the loss or damage is caused.
Criminal trespass House-trespass	447	The person in possession of the property trespassed upon.
END AND THE RESERVE OF THE PARTY OF THE PART		

Offence.	Sections of Indian Penal Code appli- cable.	Person by whom offence may be compounded.
Criminal Breach of Con- tract of service.	490, 491, 492	The person with whom the of- fender has con- tracted.
Adultery	497	
Enticing or taking away or detaining with a criminal intent a married woman.	493	The husband of the woman.
Defamation	500	
Printing or engraving matter knowing it to be defamatory.	501	The person de famed,
Sale of printed or en- graved substance con- taining defamatory matter, knowing it to contain such matter.	502	
Insult intended to provoke a breach of the peace.	504	The person in-
Criminal Intimidation, except when the offence is punishable with imprisonment for seven years.	506	The person inti- midated.

The offence of voluntarily causing hurt, voluntarily causing grievous hurt or cheating, punishable under section 324, section 335 or section 417 of the Indian Penal Code may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused, or by the person cheated, as the case may be case may be.

When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person compe-tent to contract on his behalf may compound such

The composition of an offence under this section shall have the effect of an acquittal of the accused.

No offence not mentioned in this section shall be compounded.

ials.

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General Provisions 491 as to Inquiries and Trials.

346. If, in the course of an inquiry or trial be-Trocedure of Mufassal 1872, Magistrate in cases which 5 paras. he cannot dispose of. Procedure of Mufassal fore a Magistrate in any district outside the Presidencytowns, the evidence appears H. C. one which should be presumption that the case is H. C. one which should be tried or committed for trial cited one which should be tried or committed for trial a, 63. by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any Magistrate to whom he is subordinate, or to such other Magistrate, having jurisdiction, as the District Magistrate directs.

The Magistrate to whom the case is submitted may, if so empowered, either try the case himself, or refer it to any Magistrate subordinate to him having jurisdiction, or commit the accused for trial.

347. If in any enquiry before a Magistrate or in

Procedure when after para. commencement of in-quiry or trial Magistrate V, 1877, finds case should be committed.

any trial before a Magistrate before signing judgment, it appears to him at any stage of the proceedings that the case is one which ought to be

tried by the Court of Session or High Court, and if he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.

If such Magistrate is not empowered to commit for trial, he shall proceed under section 346.

1872. Trial of persons previously convicted of offences against coinage, stamp-law and property.

348. Whoever, having been convicted of an offence punishable under Chapter XII or XVII of under the Indian Penal Code with imprisonment for a term of three years or upwards, is

again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate before whom he is accused considers him a habitual offender, be committed to the Court of Session or High Court, as the case may be; or, in districts in which the District Magistrate has been invested with powers under section 30, placed on his trial before such Magistrate.

349. Whenever a Magistrate of the second or third class, having jurisdic-Procedure when Mation, is of opinion upon congistrate cannot pass sen-tence sufficiently severe. cluding a trial that the

he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, he may record the opinion and, instead of passing sentence, submit his proceedings, and forward the accused to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate.

The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who call for and take any further evidence, and shall pass such sentence or order in the case as he thinks fit, and as is according to law:

Provided that he shall not inflict a punishment mittal to more severe than he is empowered to inflict under sections 32 and 33.

R, 1 Mad., 289.

Sec. I. L. R., 4 Bom., 240. has already given evidence in the case; and may

Conviction or commitment on evidence partly recorded by one Magistrate and partly by ano-

350. Whenever any Magistrate, after hav- Act X, 1872, ing heard the whole or any ss. 328, 329.

part of the evidence in an Act IV, 1877 enquiry or trial, ceases to exercise jurisdiction therein, Sec. 4 Calc., and is succeeded by another 452, and sec. 568, infra.

Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and re-commence the enquiry or trial:

Provided that in any trial the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard:

Provided also that the High Court, or, in cases tried by Magistrates subordinate to the District Magistrate, the District Magistrate, may, without appeal, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby; and may order a new inquiry or trial.

Nothing in this section applies to cases in which proceedings have been stayed under section 346.

351. Any person attending a Criminal Court, Act X, 1872, although not upon an arrest Detention of offenders or summons, may be detained by such Court for the purpose of examination, for any offence of which such Court can take cognizance and which, from the evidence, he may appear to have committed, and may be proceeded against as though he had been arrested or summoned.

When the detention takes place in the course of an inquiry under Chapter XVIII, or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

352. The place in which any Criminal Court Act X, 1872, is held for the purpose of s. 187.

Courts to be open. inquiring into or trying any s. 150.

offence shall be deemed an open Court, to which Act IV, 1877, the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magis-trate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case 5 8

568, infra.

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Mode of taking and recording Evidence in Inquiries 492 and Trials.

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Mode taking record Evident Inquir

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that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXV.

OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS.

Act X, 1872,

8. 191, para.

Evidence to be taken evidence taken under Chapin presence of accused. ters XVIII, XX, XXI,

8. 83, para.

XXII and XXIII shall be taken in the presence
of the accused, or, when his personal attendance
is dispensed with, in presence of his pleader.

Manner of recording evidence in Mufassal.

Manner of Sessions Judge, the evidence of the witnesses shall be recorded in the following manner.

Manner of recording by or before a Magistrate (other than a Presidency Magistrate) and trials (other than a Presidency Magistrate) and trials (other than summary trials) under this Code by or before a Magistrate (other than a Presidency Magistrate) are recorded in the following manner.

Record in summons-cases tried before a Magisrate, other than a Presidency Magistrate, and in certain offences by first and second class Magistrates.

Record in summons-cases tried before a Magistrate, other than a Presidency Magistrate, and in cases of the offences mentioned in section 261, clauses (b) to (k), both inclusive, when tried by a Magistrate of the first or second class, the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same; and such memorandum shall form part of the record.

Act X, 1872, 356. In all other trials before Courts of Session and Magistrates (other than Presidency Magistrates) and in all inquiries under Chapter

No exception XVIII, the evidence of each witness shall be of cases in taken down in writing in the language of the which no Court, by the Magistrate or Sessions Judge, or in appeal lies.

11 Ben. his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate or Sessions Judge.

When the evidence of such witness is given in Evidence given in English, the Magistrate or English.

Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an

anthenticated translation of such evidence in the language of the Court shall form part of the record.

In cases in which the evidence is not taken

Memorandum when evidence not taken down in writing by the
Magistrate or Sessions

Judge, he shall, as the examination of each witness

proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

anguage of record of district, or in proceedings before any Court of Session, or before any Magistrate or class of Magistrates, the evidence of each witness shall in the cases referred to in section 356 be taken down by the Sessions Judge or Magistrate with his own hand and in his mother-tongue, unless he is prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

The evidence so taken down shall be signed by the Sessions Judge or Magistrate, and shall form part of the record:

Provided that the Local Government may direct the Sessions Judge or Magistrate to take down the evidence in the English language, or in the language of the Court, although such language is not his mother-tongue.

358. In cases of the kind mentioned in section Act
Option to Magistrate in a section 355, the Magistrate may, if a section 355, the Magistrate may, if a thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the Local Government has made the order referred to in section 357, in the manner provided in the same section.

359. Evidence taken under section 356 or 357 Act.

Mode of recording shall not ordinarily be taken down in the form of question and answer, but in the form

The Magistrate or Sessions Judge may in his discretion take down, or cause to be taken down, any particular question and answer.

360. As the evidence of each witness taken Act X.

Procedure in regard under section 356 is comto such evidence when pleted, it shall be read over to him in the presence of

Judgment.

Trials.

the accused if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, he may require his evidence as taken down to be interpreted to him in the language in which it was given, or in a language which he understands.

361. Whenever any evidence is given in a lanInterpretation of evidence to accused or his
agent.

guage not understood by the
accused and he is present in
person, it shall be interpreted
to him in open Court in a language understood by
him.

If he appears by pleader and the evidence is given in a language other than the language of the Court, and not understood by the pleader, it shall be interpreted to such pleader in that language.

When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

1872, 362. In every case in which a Presidency
Record of evidence Magistrate imposes a fine exceeding two hundred rupees, or imprisonment for a term exceeding six months, he shall either take down the evidence of the witnesses with his own hand, or cause it to be taken down in writing from his dictation in open Court. All evidence so taken down shall be signed by the Magistrate and shall be part of the record.

1872. Evidence so taken down shall ordinarily be 1877, recorded in the form of a narrative, but the Magistrate may in his discretion take down, or cause to be taken down, any particular question or answer.

Sentences passed under section 35 on the same occasion shall, for the purposes of this section, be considered as one sentence.

Remarks respecting recording the evidence of a witness shall record such remarks as he thinks material respecting the demeanour of such witness whilst under examination.

Magistrate or by any Court other than a High Court established by Royal Charter, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language

in which he is examined, or, if that is not practicable, in the language of the Court, and such record shall be shown or read to him, and he shall be at liberty to explain or add to his answers.

When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing, and that the record contains a full and true account of the statement made by the accused.

In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, unless he is a Presidency Magistrate, as the examination proceeds, to make a memorandum thereof in the language of the Court or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

Nothing in this section shall be deemed to apply to the examination of an accused person under section 243, 244 or 264.

Record of evidence in High Court.

Record of evidence in Charter and the Chief Court of the Panjab may from time to time by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

CHAPTER XXVI.

OF THE JUDGMENT.

Mode of delivering minal Court of original jurisjudgment.

minal Court of original jurisdiction shall be pronounced
in open court either immediately or at some subsequent time of which due
notice shall be given to the parties or their pleaders;
and the accused shall, if in custody, be brought
up, or if not in custody shall be required to
attend, to hear judgment delivered, except where
his personal attendance during the trial has been
dispensed with and the sentence is one of fine
only, in which case it may be pronounced in the
presence of his pleader.

Contents of judgment.

Language of judgment shall, except as Act X, 1872, otherwise expressly provided by this Code, be written by 1877, s. 200. the presiding officer of the Court in the language of the Court, or in English, and shall contain the point or Act X, 1872, points for determination, the s. 464, decision thereon, and the Cf. Act VIII. 1859, s. 185.

494

reasons for the decision, and shall be dated and signed by the presiding officer in open court at the time of pronouncing it.

Act X, 1872, It shall specify the offence (if any) of which, 20, 461, cl. and the section of the Indian Penal Code or other 1,464, para. law under which, the accused is convicted, and the law under which, the accused is convicted, and the punishment to which he is sentenced.

When the conviction is under the Indian Penal Act X, 1872, s. 461, cl. 2. Code, and it is doubtful under which of two sections, Judgment in alteror under which of two parts native. of the same section, of that Code the offence falls the Court shall distinctly express the same, and pass judgment in the alternative, according to section 72 of the same Code.

If it be a judgment of acquittal, it shall direct that the accused be set at liberty.

Act X, 1872, If the accused is convicted of an offence s. 287, para punishable with death, and the Court sentences 2. him to any punishment other than death, the Court shall in its judgment state the reason why sentence of death was not passed:

et X. 1872. Provided that, in trials by jury, the Court need ss. 255, last para. 464, not write a judgment, but the Court of Session shall para. 4. record the heads of the charge to the jury. Act X, 1872, ss. 255, last

368. When any person is sentenced to death, Act X, 1872, s. 321. the sentence shall direct that Act X, 1875, s. 113. Sentence of death. he be hanged by the neck till he is dead.

Act X, 1872, s. 464, para. 1, second 369. No Court when it has signed its judg-Court not to alter ment shall alter or review 1, seco the same, except as provided judgment. in section 395 or to correct a clerical error.

370. Instead of recording a judgment in man-Act 1V, 1877. ner hereinbefore provided, a Presidency Magistrate's judgment. Presidency Magistrate shall record the following particu-

(a) the serial number of the case;

- (b) the date of the commission of the offence;
- (c) the name of the complainant (if any);
- (d) the name of the accused person, and (except in the case of an European British subject) his parentage and residence;
 - (e) the offence complained of or proved;
- (f) the plea of the accused and his examination (if any);
 - (g) the final order;
 - (h) the date of such order; and

(i) in all cases in which the Magistrate in-Act IV, 1877, s. 126. flicts imprisonment, or fine exceeding two hundred rupees, or both, a brief statement of the reasons for the conviction.

371. The judgment shall be explained to the Judgment to be explained and copy given to accused, and on his application a copy of the judgment or, when he so desires, a translation in his own language, if practicable, or

in the language of the Court, shall be given to him without delay. Such copy shall, in any case other than a summons-case, be given free of cost.

In trials by jury, a copy of the heads of the charge to the jury shall, on the application of the accused, be given to him without delay and free of cost.

When the accused is sentenced to death by a Act XI, I Sessions Judge, such Judge shall further inform him of Case of person sentenced to death. the period within which, if he wishes to appeal, his appeal should be preferred.

372. The original judgment shall be filed with Act X the record of proceedings, Judgment to be transand where the original is recorded in a different language from that of the Court, a translation thereof into the language of the Court shall be added to such record.

373. In cases tried by the Court of Session, Act X the Court shall forward a s. 302 Court of Session to send copy of judgment to District Magistrate. copy of its judgment (if any) to the District Magistrate within the local limits of whose jurisdiction the trial was held.

CHAPTER XXVII.

OF THE SUBMISSION OF SENTENCES FOR CONFIRMA-TION.

374. When the Court of Session passes sentence Act X Sentence of death to be of death, the proceedings 5.287 submitted by Court of shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

375. If when such proceedings are submitted Act X Power to direct additional evidence to be additional evidence upon any point bearing upon the guilt or innocence of the convicted person is necessary, it may take such evidence itself or direct it to be taken.

Such evidence shall not be taken in the presence of jurors or assessors, and unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when the same is taken.

The result of such evidence when it is not taken by the High Court shall be certified to such Court,

376. In any case submitted under section 374, Act Power of High Court whether tried with the aid confirm sentence or of assessors or by introduced the confirmation of the confirmati of assessors or by jury, the annul conviction. High Court-

- (a) may confirm the sentence, or pass any other sentence warranted by law, or
- (b) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or
 - (c) may acquit the accused person:

Act XI, 1874, 3. 41, para.

Sentences

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

X, 1872, 377. In every case so submitted, the confirmation of the sentence or any new Confirmation or new sentence or order passed by sentence to be signed by two Judges.

the High Court, shall, when such Court consists of two or more Judges, be made and signed by at least two

X, 1872, 378. When any such case is heard before a 271B. Procedure in case of Bench of Judges and such Judges are equally divided, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

379. In cases submitted by the Court of Session X, 1872, s. M, para. 1. to the High Court for the Procedure in cases submitted to High Court confirmation of a sentence of for confirmation. death, the proper officer of the High Court shall, with-

out delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court, and attested with his official signature, to

380. When a sentence passed by an Assistant 1, 1872, Sessions Judge or by a Dis-18, 36.
II, 1874, Confirmation of sentence of Assistant Sessions Judge or Magistrate acting under section 24 trict Magistrate acting under section 34 is submitted to a Sessions Judge for confirmation, such Sessions Judge-

L.B., 4 (a) may confirm the sentence, or pass any other may sentence which the lower Court might have passed,

(b) may annul the conviction, and convict the accused of any offence of which the lower Court might have convicted him, or order a new trial on the same or an amended charge, or

(c) may acquit the accused; or

(d) if he thinks further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, he may direct such inquiry or evidence to be made or taken.

Unless the Sessions Court otherwise directs the presence of the convicted person may be dispensed with when such evidence is taken; and when the sentence has been submitted by an Assistant Sessions Judge, such evidence shall not be taken in the presence of jurors or assessors.

The result of such evidence shall be certified to the Sessions Court.

CHAPTER XXVIII.

OF EXECUTION.

381. When a sentence of death passed by a Court Act X, 1872, s. of Session is submitted to the 301, para. 2. Execution of order passed under section 376. High Court for confirmation, such Court of Session shall, on receiving the order of the receiving the order of the thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

382. If a woman sentenced to death be found to Act X, 1872,

Postponement of capibe pregnant, the High Court s. 306.
shall order the execution of Act X, 1875.
shall order the execution of S. 114, add-the sentence to be postponed, ing "to and may commute the sentence to transportation of transportation for life.

383. Where the accused is sentenced to trans- act X, 1872. Execution of sentences transportation or imprisonment in s. 302A.c.1. cases other than those provid—(Act XI, 1874, ed for by section 381, the Act IV, 1877, Court passing the sentence s. 183. of transportation or imprisonment in other shall forthwith forward a warrant to the jail in which he is to be confined together with the accused, unless he is already confined in such jail.

384. Every warrant for the execution of a sen-Act X, 1872,
Direction of warrant tence of imprisonment shall s. 303.

be directed to the officer in Act X, 1875,
charge of the jail or other Act IV, 1877. Direction of warrant for execution. place in which the prisoner is, or is to be, con- s. 184.

385. When the prisoner is to be confined in a Act X 1872, Warrant with whom jail, the warrant shall be s. 304.

lodged with the jailor.

Act X, 1875, s. 104.

386. Whenever an offender is sentenced to pay Act X, 1872,

Warrant for levy of a fine, the Court passing the s. 307, para.

ine. 1.

tion issue a warrant for the s. 105.

levy of the amount by distress and sale of any Act IV, 1877,

moveable property belonging to the offender, moveable property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be im-

-387. Such warrant may be executed within the Act X, 1872,

Effect of warrant. local limits of the jurisdiction of such Court of the juris2. diction of such Court, and Act X, 1875, it shall authorize the distress and sale of any such property without such limits, when endorsed by the District Magistrate within the local limits of s. 185. whose jurisdiction such property is found.

388. When an offender has been sentenced to fine Act 1V, 1877 Detention of offender until return made to distress-warrant.

Only, and the Court issues a warrant under section 386, it may, instead of at until return made to a warrant under section distress-warrant.

386, it may, instead of at once ordering him to be imprisoned under section 64 of the Indian Penal Code, release him

Execution

Execution.

on his executing a bond with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond.

Act X, 1872,

8. 307, last

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passed the sentence or by his successor in office.

sentence.

Act X, 1872,
s. 302A, cl. 2.

(Act XI,
1874, s. 32.) of whipping only.

Act IV, 1877,
s. 183.

390. Where the accused is sentenced to whipping only, the sentence shall be executed at such place and time as the Court may direct.

Act X, 1872, 8.310.

Execution of sentence ping in addition to imprisonment. In a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of the sentence or, if an appeal be made within that time, until the sentence is confirmed by the appellate Court: but the whipping shall be inflicted as soon as possible after the expiry of the fifteen days or, in case of an appeal, as soon as possible after the receipt of the order of the appellate Court confirming the sentence.

Act X, 1872, The whipping shall be inflicted in the presence s. 811, para. of the officer in charge of the jail: unless the Act XI, 1874, Judge or Magistrate orders it to be inflicted in his s. 33, para. 1. own presence.

Act X, 1872, 392. In the case of a person of or over sixteen years of age, whipping shall be inflicted with such instrument, in such a 188. Local Government directs; and in the case of a person under sixteen years of age, it shall be inflicted in the way of school-discipline with a light ratan.

Act X, 1872, 393. In no case, if the cat-o'-nine-tails be the s. 311, para.

2. Limit of number of whipping exceed one hundred and fifty lashes, or if paras. 29, the ratan be employed, shall such punishment exceed thirty stripes.

Act X, 1872,
s. 312, para.
Not to be executed by shall be executed by instalments.

Act IV, 1877,
s. 190.

Act X, 1872,
394. The punishment of whipping shall not be inflicted, unless a Medical

Act X, 1872, 8.312, paras. Whipping not to be inflicted, unless a Medical Officer, if present, certifies, or, if there is not a Medical Cal Officer present, unless it and 2.

Act XI, 1874, in fit state of health. Sor, if there is not a Medical Officer present, unless it and XI, 1875, appears to the Magistrate or officer present, and to the to undergo such punishment.

If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the

Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

395. In any case in which, under section 394, Act X, a sentence of whipping is, wholly or partially, presented and the last section.

In custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding three months, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

Sexuation of sentence on escaped convict, such a sentence, if of death, fine or sentence, if of death, fine or sentence, if of death, fine or whipping, shall, subject to the Act IV, provisions hereinbefore contained, take effect immediately, and if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say:—

If the new sentence is severer in its quality than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

When the new sentence is not severer in its quality than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

EXPLANATION.—For the purpose of this section—

- (a) a sentence of transportation or peual servitude shall be deemed severer than a sentence of imprisonment;
- (b) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and
- (c) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

397. When a person already undergoing a sentence of imprisonment, as sentence on offender penal servitude or transservitude or transportation is sentenced to be imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously

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Provided that if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be one of transportation, the Court may in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sen-

398. Nothing in section 396, or section 397, 1872. Saving as to sections shall be held to excuse any person from any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

399. When any person under the age of six-X. 1872, 1875, Confinement of youth-ful offenders in reformaof 1876 tories. prisonment for any offence, the Court may direct that the such person, instead of being imprisoned in a cx-criminal jail, shall be confined in any reformatory the Court may direct that established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government pre-scribes with regard to the discipline and training of persons confined therein.

> All persons confined under this section shall be subject to the rules so prescribed.

400. When a sentence has been fully executed, Return of warrant on the officer executing it shall execution of sentence. return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

CHAPTER XXIX.

OF Suspensions, Remissions and Commutations OF SENTENCES.

401. When any person has been sentenced to 1872, Power to suspend or punishment for an offence, the Governor General in remit sentences. Council, or the Local Government, may at any time, without conditions, or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or 1874, remit the whole or any part of the punishment to which he has been sentenced.

Whenever an application is made to the Governor General in Council or the Local Government for the suspension or remission of a sentence, the Governor General in Council or the Local Government, as the case may be, may require the presiding Judge of the Court before or by which the conviction was had or confirmed to furnish without delay a statement of the facts proved on the trial, and of any facts having reference to the propriety of granting or refusing the application.

If the person in whose favour a sentence has been suspended or remitted fails to fulfil the con-Act X, 1872, ditions prescribed by the Governor General in s. 322, para. ditions prescribed by the Governor General in Council or the Local Government, the Governor General in Council or the Local Government, as the case may be, may cancel such suspension or remission, whereupon such person may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

Nothing herein contained shall be deemed to Act XI, 1874, interfere with the right of Her Majesty to grant pardons, reprieves, respites, or remissions of punishment.

402. The Governor General in Council, or Act X, 1872, Power to commute without the Local Government, may without the consent of the punishment. person sentenced commute any one of the following sentences for any other mentioned after it :-

death, transportation, penal servitude, rigorous imprisonment, simple imprisonment.

CHAPTER XXX.

OF PREVIOUS ACQUITTALS OR CONVICTIONS.

403. A person who has once been tried by a Act X, 1872, Person once convicted or acquitted not to be tried for same offence.

Court of competent juris- s. 460.

diction for an offence and Act X, 1875,
conviction or acquitted or acquitted of such Act IX, 1875,
s. 117.
offence shall, while such s. 113.

conviction or acquittal remains in force, not be Cf. N. Y. Code of Crim. liable to be tried again for the same offence, nor on of Crim. Proc., s. 13. Form of plea under this section, N.-W. P., 1875, p. 373. the same facts for any other offence for which a different charge from the one made against him might have been made under section 237, or for which he might have been convicted under section

A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 236, paragraph one.

A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that for which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed, if the Court by which he was first tried was rot competent to try the offence with which he is subsequently charged.

Tradition in

EXPLANATION .- The dismissal of a complaint, the para. 2, stopping of proceedings under section 250, the dis-195, Explus, charge of the accused, or any entry made upon a Act X, 1872, 215, Expl. charge under section 274, is not an acquittal for 2.
Act X, 1875, the purposes of this section.
Illustratio
Illustratio

(a) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(b) A is tried upon

(b) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(c) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(d) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(e) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts, unless the case comes within paragraph three of this section.

(f) A is charged by a Magistrate of the second class with and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(g) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the facts.

PART VII. OF APPEAL, REFERENCE AND REVISION.

CHAPTER XXXI.

OF APPEALS.

404. No appeal shall lie from any judgment A et X, 1872, or order of a Criminal Court para. 2, Unless otherwise pro-286, omit- vided, no appeal to lie. except as this Code ting the It-lustrations. law for the time being in force. except as provided for by this Code or by any other

Act IV, 1877, s. 180.

405. Any person whose application under section
Appeal from order revery application for perty or the proceeds of the
storation of attached sale thereof has been rejected
by any Court, may appeal to Appeal from order re-jecting application for restoration of attached property. the Court to which appeals ordinarily lie from the

sentences of the former Court.

Act X, 1872, s. 267.

406. Any person required by a Magistrate, other than the District Marequiring security for gistrate or a Presidency Magood behaviour. gistrate, to give security for good behaviour under section 119 may appeal to the District Magistrate.

Act X, 1872, s. 266, omit-ting "or to a Magistrate of first class empowered."

407. Any person Appeal from sentence of Magistrate of the se-cond or third class. 407. Any person convicted on a trial held by any Magistrate of the second or third class, or any person sentenced by a Sub-divisional Magistrate of the second

class under section 349, may appeal to the District Magistrate.

The District Magistrate may direct that any Act X, 10 appeal under this section, or s. 47, p any class of such appeals, shall be heard by the control of the any class of such appeals, shall be heard by any Magis-

trate of the first class subordinate to him and empowered by the Local Government to hear such appeals, and thereupon such appeal or class of appeals shall be presented to such Subordinate Magistrate, or if already presented shall be transferred to him. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented or transferred.

408. Any person convicted on a trial held by Act X

Appeal from sentence of Assistant Sessions Judge or Magistrate of the first class.

an Assistant Sessions Judge, a District Magistrate or other Magistrate of the first class, or any person sent-enced under section 349 by

Magistrate of the first class, may appeal to the Court of Session :

Provided that when in any case an Assistant : Sessions Judge or a District Magistrate passes any 8.270, sentence which is subject to the confirmation of the Sessions Court, every appeal in such case shall lie to the High Court, but shall not be presented until the case has been disposed of by the Sessions Court:

Provided also that any European British subject Act X so convicted may at his option appeal either to the s. 79

High Court or the Court of Session.

409. An appeal to the Court of Session or Sessions Judge shall be heard Appeals to Court of by the Sessions Judge or by an Additional or Joint Ses-

sions Judge.

410. Any person convicted on a trial held by Act X, a Sessions Judge, or Addissessions Judge, or Addissessions Joint Sessions para. Appeal from sentence of Sessions Court. Judge, may appeal to the High Court.

411. Any person convicted on a trial held by Act IV, a Presidency Magistrate may Appeal from sentence Presidency Magisappeal to the High Court if the Magistrate has sentenced him to imprisonment for a term exceeding six months or to fine exceeding two hundred rupe

412. Notwithstanding anything hereinbefore Act X, No appeal in certain accused person has pleaded guilty and Act IV, been convicted by a Court of 1.167. pleads guilty. Session or a Presidency Magistrate on such plea, there shall be no appeal except as to the extent or

legality of the sentence. ling anything hereinbefore Act X. contained, there shall be no 413. Notwithstanding appeal by a convicted person in cases in which a Court No appeal in petty

of Session or the District Magistrate or other Magistrate of the first class passes a sentence of imprisonment not exceeding one month only, or of fine not exceeding fitty rupees only, or of whipping only.

Explanation.—There is no appeal from a sentence Act X, of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has been passed.

12/8. x, 1872,

1. 1872,

414. Notwithstanding anything hereinbefore contained, there shall be no No appeal from certain appeal by a convicted person summary convictions. in cases tried summarily in

which a Magistrate empowered to act under section 261 passes a sentence of imprisonment not exceeding three months only, or of fine not exceeding two hundred rupees only, or of whipping only.

415. An appeal may be brought against any Proviso to sections sentence referred to in section 413 or 414 by which any two or more of the punishments therein mentioned are combined; but not against any sentence which would not otherwise be liable to appeal, because the person convicted is ordered to find security to keep the peace.

EXPLANATION .- A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

416. Nothing in sections 413 and 414 applies Saving of sentences to appeals from sentences on European British passed on European British subjects. subjects under Chapter XXXIII.

1872, 417. The Local Government may direct the Appeal on behalf of Public Prosecutor to present an appeal to the High Court an appeal to the High Court acquittal. from an original or appellate order of acquittal passed by any Court other than a High Court.

x, 1872, 418. An appeal may lie on a matter of fact as well as a matter of law, ex-M. Appeal on what matcept where the trial was by jury, in which case the appeal Act shall be admissible on a matter of law only.

1 1872, 419. Every appeal shall be made in the form of a Petition of appeal. petition in writing presented by the appellant or his pleader, and every such petition shall be accompanied IV, 1877, Petition of appeal. by a copy of the judgment or order appealed against, and in cases tried by a jury a copy of the heads of the charge recorded under section 367.

1872, 420. If the appellant is in jail, he may present Procedure when appel- the copies accompanying the same, to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

421. On receiving the petition and copy under Summary rejection of the Appellate Court shall peruse the same, and if it its teonsiders that there is no sufficient ground for interfering, it may reject the appeal summarily. section 419 or section 420, 101. Provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

Before rejecting an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

422. If the Appellate Court does not reject the Act X, 1872, Notice of appeal. appeal summarily, it shall cause notice to be given to the appellant or his pleader and to such officer as the Local Government may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal; and in cases of appeals under section 417 Act XI 1874.

and in cases of appeals under section 417, Act XI, 1874, the Appellate Court shall cause a like notice s. 27. to be given to the accused.

423. The Appellate Court shall then send for the Act X, 1872, record of the case, if such ss. 272, para. record is not already in Court. 3, 280.

After perusing such record, ss. 174, 179. Powers of Appellate Court in disposing of appeal. and hearing the appellant

or his pleader, if he appears, and the Public Prosecutor if he appears, the Court may, if it considers there is no sufficient ground for interfering, reject the appeal or may-

(a) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;

(b) in an appeal from a conviction (1) reverse the Act X, 1872, finding and sentence, and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction subordinate to such Appellate Court, or (2) alter the finding, maintaining the sentence, or, with or without altering the finding, enhance or reduce the sentence, or (3) alter the nature of the sentence with or without such enhancement or reduction and with or without altering the finding;

(c) in an appeal from any other order, alter or reverse such order:

Provided that, if the appeal is from the sentence of a Magistrate acting otherwise than under section 30, the Appellate Court shall not inflict a greater punishment for the offence which, in the opinion of the Appellate Court, the appellant has committed, than might have been inflicted for such offence by a Presidency Magistrate or a Magistrate of the first class:

Provided also that nothing herein contained shall Act X, 1872, s. authorize the Court to alter or reverse the verdict of a jury, unless it is of opinion that such verdict by the Crown, is erroneous owing to a misdirection by the Judge. Act M. 2009 2009

424. The rules contained in Chapter XXVI 3. as to the judgment of a Crim-Judgments of subor-dinate Appellate Courts. inal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court.

425. Whenever a case is decided on appeal by the Act X, 1872,
High Court under this chaps. S. 299, paras.

Order on appeal to be Order on appeal to be certified to lower Court or District Magistrate. ter, it shall certify its decision or order to the Court by which the finding, sen-

tence or order appealed against was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than the

Refere

District Magistrate, the certificate shall be sent through the District Magistrate.

The Court or Magistrate to which the High Court certifies its decision or order shall thereupon make such orders as are conformable to the decision of the High Court and, if necessary, the record shall be amended in accordance therewith.

Act X, 1872, s. 281, and

426. Pending any appeal by a convicted person, and the Appellate Court may, for reasons to be recorded by s. 281, and
s. 297, para. Suspension of sentence of the sentence or order appealed against Act 1V. 1877, be suspended and, if he is in confinement, that s. 175.

Release of appellant he be released on bail or on his own bond.

When the appellant is ultimately sentenced to imprisonment, the time during which he is so released shall be excluded in computing the term of his imprisonment.

Act IV, 1877, 427. When an ap s. 168, para. 3, I. L. R., I. Arrest of accused in Calc., 281. appeals under section 417. 427. When an appeal is presented under section 417, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

Act X, 1872,

428. In dealing with any appeal under this chapter, the Appellate Court, if it thinks additional evis. 282, paras.

I, 3 and 4.

Act IV, 1877, take further evidence or s. 176.

Appellate Court may direct it to be taken. dence to be necessary, may either take such evidence itself, or may direct it to be taken by a Court of Session or a Magistrate.

When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the appellant or his pleader shall be present when the additional evidence is taken; but such evidence shall not be taken in the presence of jurors or assessors.

Act X, 1872, s. 271B. (Act XI, 1874, s. 22.)

429. When the Judges composing the Court of appeal are equally divided, Procedure where Judges of Court of appeal, &c., are equally divided. the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after

such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Act X, 1872,

430. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section Finality of orders on appeal. 416 and Chapter XXXII.

L. R.,

431. Every appeal under section 417 finally Abatement of appeals. abates on the death of the accused, and every other appeal under this chapter finally abates on the death of the appeal the appellant.

CHAPTER XXXII.

OF REFERENCE AND REVISION.

432. A Presidency Magistrate may, if he thinks Act IV, Reference by Presi. fit, refer for the opinion of dency Magistrate to High Court any question Court. of law which arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference; and, pending such decision, may either commit the accused to jail or release him on bail to appear for judgment when called upon.

433. When a question has been so referred, Act IV, the High Court shall pass Disposal of case ac-cording to decision of High Court. such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall dispose of the case conformably to the said order.

The High Court may direct by whom the costs of such reference shall Direction as to costs. be paid.

434. When any person has, in a trial before a Act X Judge of a High Court con-Power to reserve quessisting of more Judges than one and acting in the exercise of tions arising in original jurisdiction of High Court. Court. its original criminal jurisdic-tion, been convicted of an offence, the Judge, if he thinks fit, may reserve and refer for the decision of a Court consisting of two or more Judges of such Court any question of law which has arisen in the course of the trial of such person, and the determination of which would affect the event of

If the Judge reserves any such question, the Procedure when ques-tion reserved. ing the decision thereon, be remanded to jail or, if the Judge thinks fit, be admitted to bail,

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judg-ment as the High Court thinks fit.

435. The High Court or any Court of Session Act I or District Magistrate, or any Sub-divisional Magistrate em- 12 500 Power to call for records of inferior Courts. powered by the Local Government in this behalf, may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of the proceedings of such inferior Court of the proceedings of such inferior Court.

Criminal Proceedings against Europeans and Americans.

Act X, 1872, s. 297, las;

440. No party has any right to be heard either Optional with Court personally or by pleader be-fore any High Court when to hear parties.

exercising its powers of revision: Provided that the High Court may, if it to hear parties. thinks fit, when exercising such powers, hear any party either personally or by pleader: Provided also that no order shall be made to the prejudice of the accused unless he has had an opportunity of being heard in his own defence.

441. When the record of any proceeding of any Act IV, 1877.

Presidency Magistrate is 8, 182. Presidency Magistrate is called for by the High Court under section 435, Statement by Presidency Magistrate of grounds of his decision to be con-sidered by High Court. the Magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material to the issue; and the Court shall consider such statement before overruling or setting aside the said decision or order.

442. When a case is revised by the High Court Act X, 1872,
High Court's order to under this chapter, it shall s. 299, paras.
be certified to lover certify its decision or order in 1 & 2.
Court or District Magismanner provided by section manner provided by section 425, and the Court or Magistrate to which the High Court so certifies its decision or order shall give effect thereto in manner provided by that section.

If any Sub-divisional Magistrate acting under this section considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

X 1872, s. Orders made under sections 144 and 145 g. See I. R. 2 Calc., and proceedings under section 177 are not proceedings within the meaning of this section.

436. When on examining the record of any case , paras, 3. (Act under section 435 or other-Power to order comwise, the Court of Session or

District Magistrate considers a, 289. that such case is triable exclusively by the Court of Session, and that an accused person has been improperly discharged by the inferior Court, the Court of Session or District Magistrate may, instead of directing a fresh inquiry, direct him to be committed for trial upon the matter of which he has been, in the opinion of the Court of Session or District Magistrate, improperly discharged:

Kin. 93. Provided that the accused has had an opportunity of shewing cause to such Court or Magistrate why the commitment should not be made:

XI, 1874, Provided also that, if such Court or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Court or Magistrate may direct the inferior Court to inquire into such offence.

437. On examining any record under section 435 X, 1872, 98. (Act 1874, s. Power to order insion may direct the District quiry. Magistrate by himself or by any of the Magistrates subordinate to him to make, and the District Magistrate may himself make or direct any subordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 204, or into the case of any accused person who has been discharged.

438. The Court of Session or District Magis-Report to High Court. trate may, if it or he thinks fit, on examining under section 435 or otherwise the record of any proceeding, report for the orders of the High Court the results of such examination, and when such report contains a recommendation that a sentence be reversed, may order that the execution of such sentence be suspended, and if the accused is in confinement that he be released on bail or on his own bond.

439. In the case of any proceeding the record High Court's powers of which has been called for by itself, or which has been 1,139. reported for orders, or which otherwise comes to its 125; knowledge, the High Court may, in its discretion, 84. exercise any of the powers conferred on a Court elligh when the Judges composing the Court of revision munt are equally divided, the case shall be disposed of ited in manner provided by section 429.

PART VIII.

SPECIAL PROCEEDINGS.

CHAPTER XXXIII.

CRIMINAL PROCEEDINGS AGAINST EUROPEANS AND AMERICANS.

443. No Magistrate, unless he is a Justice of Act X, 1872, the Peace, and (except in the ss. 72 paras case of a Presidency Magistrates who may case of a Presidency Magistrates and try case of a Presidency Magistrates are a Presidency Magistrates and try case of a Presidency Magistrates are a Presidency Magistrates and try case of a Presidency Magistrates and try Magistrates who may inquire into and try charges against Euro-pean British subjects.

trate) unless he is a Magis- para. 1. trate of the first class and an European British subject, shall inquire into or try any charge against an

European British subject.

444. No Judge presiding in a Court of Session Act X, 1872, shall exercise jurisdiction ss. 72, para.

Sessions Judge to be over an European British sub
1. 76, para.

1. 76, para. Sessions Judge to be an European British subject unless he himself is an European British subject;

and if he is an Assistant Sessions Judge, unless he has held the office of As-Assistant Sessions Judge to have held office for three years and to be specially empowered. sistant Sessions Judge for at least three years, and has been specially empowered in

this behalf by the Local Government. 445. Nothing in section 443 or section 444 shall Act X, 1872, Cognizance of offence prevent any Magistrate from committed by European British subject. taking cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence if committed by another person:

ropeans and

Americans.

Mixed jury for trial of European British subjects.

PART V

Proceeding against European

Pr. VII

and 451. In trials of European British subjects American

juror is called and accepted pointed, as the case may be, any such subject re- Act X, 18

quires to be tried by a mixed jury, or by a mixed set Act X, of assessors, not less than half the number of the 8.35. jurors or assessors shall be Europeans or Ameri-

452. In any case in which an European British Act X, 1 subject is accused jointly 8. 36.

Trial of European British subject and Native jointly accused. with a person not being an European British subject, and such European British subject is committed for trial before a High Court

before a High Court or Court

of Session, if before the first

or Court of Session, such persons may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately:

cans, or both Europeans and Americans.

Provided that, if the European British subject Act requires under section 451 to When Native may claim be tried by a mixed jury, or by a mixed set of assessors, and the person not being an European British subject

requires that he shall be tried separately, the latter person shall be tried separately in accordance with the provisions of Chapter XXIII.

453. When any person claims to be dealt with Act X, as an European British sub-Procedure on claim of European British sub-ject to be dealt with as ject, he shall state the grounds of such claim to the Magistrate before whom he

is brought for the purposes of the inquiry or trial; and such Magistrate shall inquire into the truth of such statement, and allow the person making it a reasonable time within which to prove that it is true, and shall then decide whether he is or is not an European British subject, and shall deal with him accordingly. If any such person is convicted by such Magistrate and appeals from such conviction, the burden of proving that the Magistrate's decision was wrong shall lie upon him.

When any such person is committed by the Magistrate for trial before the Court of Session, and such person before such Court claims to be dealt with as an European British subject, such Court shall after such further enquiry, if any, as it thinks fit, decide whether he is or is not an European British subject, and shall deal with him accordingly. If he is convicted by such Court and appeals from such conviction, the burden of proving that the Court's decision was wrong shall lie upon him.

When the Court before which any person is tried decides that he is not an European British subject, such decision shall form a ground of appeal from the sentence or order passed in such trial.

454. If an European British subject does not Act X, claim to be dealt with as such by the Magistrate be-fore whom he is tried or by Failure to plead status whom he is committed, or if, when such claim

Provided that if he issues any process for the purpose of compelling the appearance of an European British subject accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to inquire into or try the case.

Act X, 1872, s. 74, para. k

446. Notwithstanding anything contained in section 32, or section 34, no Sentences which may be passed by Mufassal Magistrates. Magistrate other than a Presidency Magistrate shall pass any sentence on an European British subject other

than imprisonment for a term which may extend to three months, or fine which may extend to one thousand rupees, or both.

Act X, 1872, 58. 75, para. 1, 438, para.

447. When an European British subject is accused of an offence before a When commitment is Magistrate, and such offence

to be to Court of Ses-sion and to High Court. cannot, in the opinion of such Magistrate, be adequately punished by him, and is not punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused ought to be committed, commit him to the Court of Session or, in the case

of a Presidency Magistrate, to the High Court. When the offence which appears to have been com-Act XI, 1874, mitted is punishable with death or transportation for life, the commitment shall be to the High s. 12, para. 1.

Act XI, 1874, s. 12, para. 2.

448. Where any person committed to the High Court under section 447

Trial for offences of which one is, and the others are not, punish-able with death or transcharged with several offences of which one is punishable with death or transportation portation. portation. for life and the others with a less punishment, and the High Court considers

that he should not be tried for the offence punishable with death or transportation, the High Court may nevertheless try him for the other offences.

Act X, 1872, *. 76.

449. Nothwithstanding anything contained Sentences which may section 31, no Court of Ses-be passed by Court of sion shall pass on any Euro-Session. pean British subject any sentence other than a sentence of imprisonment for a term which may extend to one year, or fine, or both.

If at any time after the commitment and before signing judgment, the pre-siding Judge thinks that the Procedure when Ses-ons Judge finds his sions Judge finds powers inadequate. offence which appears to be proved cannot be adequately punished by such a sentence, he shall record his opinion to that effect and transfer the case to the High Court. Such Judge may either himself bind over, or direct the committing Magistrate to bind over, the complainant and witnesses to appear before the High Court.

Act X, 1872, s. 77.

450. If the Judge of the Sessions Division within which the offence is Procedure when Sessions Judge is not an European British subordinarily triable is not an European British subject, the case shall be reported by the committing Magistrate for the orders of the highest Court of Criminal appeal for the local area within which such division is situate.

has been made before and disallowed by the committing Magistrate, it is not again made before the Court to which he is committed, he shall be held to have relinquished his right as such Transcen. British subject, and shall not assert its Rep. European British subject, and shall not assert it in any subsequent stage of the same case.

Unless the Magistrate has reason to believe that any person brought before him is not an European British subject, the Magistrate shall ask such person whether he is such a subject or not.

455. Where a person who is not an European British subject is dealt with Trial under this chap-ter of person not an Eu-ropean British subject. assuchunder this chapter, and does not object, the inquiry,

commitment or trial (as the ease may be) shall not, by reason of such dealing, be invalid.

A56. When any European British subject is

Right of European British subject under tody by any person, such European British subject or any person on his behalf may apply to the High Court , 1972, Right of European British subject under detention to apply for order to produce his person. which would have jurisdiction over such European British subject in respect of any offence committed by him at the place where he is detained, or to which he would be entitled to appeal from any

conviction for any such offence, for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass.

1872,

457. The High Court, if it thinks fit, may, before issuing such order, inquire, on affidavit or otherwise, Procedure on such application. into the grounds on which it is applied for, and grant or refuse such application; or it may issue the order in the first instance and, when the person applying for it is brought before it, it may make such further order in the case as it thinks fit, after such inquiry (if any) as it thinks necessary.

458. The High Court may issue such orders throughout the territories Territories throughout which High Court may issue such orders. appellate criminal jurisdic-tion, and such other territo-

ries as the Governor General in Council may from time to time direct.

459. Unless there be something repugnant in the context, all enactments heretofore or hereafter made Application of Acts conferring jurisdiction on Magistrates or the Sessions Court.

Magistrates or the Sesby the Governor General in
Council, which confer on
Magistrates or on the Court of Session jurisdiction
over offences, shall be deemed to apply to European
Reitick additional and the session in the court of Session jurisdiction British subjects, although such persons be not expressly referred to therein.

Nothing in this section shall be deemed to authorize any Court to exceed the limits pre-scribed by this chapter as to the amount of punishment which it may inflict on an European British subject, or to confer jurisdiction on any Magistrate not being a Justice of the Peace or on any Magistrate outside the Presidency towns not being an European British subject.

460. In every case triable by jury or with the aid Jury for trial of Eupeans or Americans.

Of assessors in which an European (not being an European European British subject) or an s. 234, pe f. the 1, ct. 2. ropeans or Americans.

PT. VIII,

XXXIV.

Lunatics.

American is the accused person, or one of the accused persons, not less than half the number of jurors or assessors shall, if practicable and if such European or American so claims, be Europeans or Americans.

461. Whenever an European or American is Act X, 1872, charged before the Court of \$242. charged before the Court of Jury when European American charged Session jointly with a person jointly with one of another race. not an European or American,

ther race. and in compliance with a claim made under section 460 is tried by a jury or with the aid of a set of assessors, of which at least one-half consists of Europeans and Americans, such person shall, if he so claims, be tried separately.

462. When a trial is to be held before the Act X, 1872, Court of Session in which the s. 408, paras. Summoning and employees a property or one of the Summoning and em-

accused person, or one of the pannelling jurors under section 451 or 460. accused persons, is entitled to be tried by a jury consti-tuted under the provisions of section 451, or sec-

tion 460, the Court shall, three days at least before the day fixed for holding such trial, cause to be summoned, in the manner hereinbefore prescribed, as many European and American jurors as are required for the trial.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons has been already summoned for trials by jury at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be chosen by lot in the manner prescribed in section 277, until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as possible, has been obtained:

Provided that in any case in which the proper Act X, 1872, number of Europeans and Americans cannot otherwise stause. be obtained, the Court may in its discretion, for the purpose of constituting the jury, summon any person excluded from the list on the ground of his being exempted under section 320.

463. Criminal proceedings against European Act X. 1872. Conduct of criminal proceedings against European British subjects, European British subjects, and American by ropean British subjects. subjects, and Americans be-fore the Court of Session and High Court, shall, except as otherwise expressly provided, be conducted according to the provisions of this Code.

CHAPTER XXXIV.

LUNATICS.

464. When any person accused of an offence Act X, 1872, before a Magistrate holding ss. 423, 424, para. 3. an inquiry or a trial appears Act IV, 1877, to such Magistrate to be of s. 194. Procedure in case of accused being lunatic. unsound mind and consequently incapable of making

his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the District or such other medical officer as the Local Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination into writing.

If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case.

Act X, 1872, s. 425. Act X, 1875, s. 120. 465. If any person committed for trial before Procedure in case of person committed before Court of Session or a High Court being lunatic.

a Court of Session or a High Court being lunatic.

a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness and incapacity and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial

shall be postponed. The trial of the fact of the unsoundness of mind Act XI, 1874, and incapacity of the accused shall be deemed to

be part of his trial before the Court.

Act X, 1872, 46 s. 426. Act X, 1875, Rel s. 121. pendi Act IV, 1877, trial. s. 196. Cour 466. Whenever an accused person is found

Release of lunatic to be of unsound mind and pending investigation or herial. The case may be, if the case is one in which hail may be taken, may release him on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the fore the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

If the case is one in which bail may not be taken, or if sufficient security is Custody of lunatic. not given, the Magistrate or Court shall report the case to the Local Government, and the Local Government may order the 2 accused to be confined in a Lunatic Asylum or L. R., Calc., 356. other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

Act X, 1872, 467.

8. 427.

Act X, 1875, Resum

8. 122.

Act JV, 1877,

8. 197.

any tin 467. Whenever an inquiry or trial is postponed under section 464 or section Resumption of inquiry 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such

Magistrate or Court.

When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evi-

468. If, when the accused appears or is again X, 1872, 428.
X, 1875, Procedure on accused
S. 123. appearing before Magistrate or the Court, as the case may be, the Magistrate

106. or Court considers him capable of polying his trate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

If the Magistrate or Court considers the accused person to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of section 464 or section 465, as the case may be.

When accused appears to be of Act X sound mind at the time of s. 424 inquiry or trial, and the Act IV Magistrate is satisfied from s. 198 When accused appears to have been iusan the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case and, if the offence be triable exclusively by the Court of Session or High Court, send the accused for trial before the Court of Session or High Court, as the case may be.

470. Whenever any person is acquitted upon Act X the ground that, at the time Judgment of acquittal on ground of lunacy. at which he is alleged to Act have committed an offence, Act IV he was, by reason of unsoundness of mind, incap-sable of knowing the nature of the act alleged as 39.8 constituting the offence, or that it was wrong or Reg contrary to law, the finding shall state specifically whether he committed the act or not.

471. Whenever such judgment states that the Act Person acquitted on accused person committed states alleged, the Magis- s. li in safe custody. or which the trial has been held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of the Local Government.

The Local Government may order such person to be confined in a Lunatic Asylum, jail or other suitable place of safe custody.

472. When any person is confined under the Act X Lunatic prisoners to provisions of section 466 Act or section 471, the Inspector General. General of Prisons, if such Act IV. person is confined in a jail,

or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report to the Local Government as to the state of mind of such person.

473. If such person is confined under the pro-Act X, visions of section 466, and Act X such Inspector General or

Procedure where luna-tic prisoner is reported capable of making his defence. visitors shall certify that, Act in his or their opinion, such person is capable of making

Pr. VIII, XXXV.

Proceedings in case of certain offences af-Jecting Administra-505 tion of Justice.

his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468; and the certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

474. If such person is confined under the provi-

1875, Procedure where sions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment he may be a section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment he may be a section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment he may be a section 466 or section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment he may be a section 466 or section 471, and such Inspector General or visitors shall certify that the section 466 or sect ment, he may be discharged

without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and in case it orders him to be transferred to an Asylum, may appoint a commission, consisting of a judicial and two medical officers.

And such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, which may order his discharge or detention as it thinks fit.

1872, 475. Whenever any relative or friend of any 1875, Delivery of lunatic to Person confined under provisions of section 450 provisions of section 466 or section 471 desires that he shall be delivered over to his care and custody, the Local Government, upon the application of relative or friend, and on his giving security to the satisfaction of such Government that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Local Government directs.

The provisions of sections 472 and 474 shall, mutatis mutandis, apply to persons delivered under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be dealt with as a certificate under section 474.

CHAPTER XXXV.

1872, PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECT-ING THE ADMINISTRATION OF JUSTICE.

476. When any Civil, Criminal or Revenue Court Procedure in cases is of opinion that there is pa. mentioned in section 196. ground for enquiring into any offence referred to in committed before it or brought 140, under its notice in the course of a judicial proceeding, ing, such Court, after making any preliminary inquiry that may be necessary, may send the case for enquiry or trial to the District Magistrate, and a 217, may send the accused in custody, or take sufficient

security for his appearance, before such Magistrate; and may bind over any person to appear and give evidence on such trial or enquiry.

Such Magistrate shall thereupon proceed according to law, and may transfer the enquiry or trial to some other competent Magistrate.

Power of Sessions Court a Court of Session may s.472, parase, as to such offences committed before itself.

196 and committed before it, or brought under 196 and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail and try, such person upon its own charge.

Such Court may direct the Magistrate to cause the attendance of any witnesses for the purposes of the trial.

478. When any such offence is committed before Act X. Power of Civil Courts any Civil or Revenue Court, s. 474, pacomplete investigation or brought under the notice ras. 1 and to complete investigation and commit to Sessions or brought under the notice of any Civil or Revenue Court See in the course of a judicial proceeding and the case is triable exclusively by the High Court or Court of Session, or such Civil or Revenue Court thinks that it ought to be tried by the High Court or Court of Session, such Civil or Revenue Court may, instead of sending the case under section 476 to a Magistrate for enquiry, itself complete the enquiry, and commit or hold to bail See I L. R., 4 the accused person to take his trial before the High Court or Court of Session, as the case may be.

I. L. R., 4

For the purposes of an enquiry under this sec- Act X. 1872, tion, the Civil or Revenue Court may, subject to the s. 476. provisions of section 413, exercise all the powers of a Magistrate; and its proceedings in such en-quiry shall be conducted as nearly as may be in accordance with the provisions of Chapter XVIII, and shall be deemed to have been held by a Ma-

479. When any such commitment is made by a Act X, 1872, Civil or Revenue Court, the 8, 475. Procedure of Civil Civil or Revenue Court, the Court shall send the charge Court in such cases. with the order of commitment and the record of the case to the Presidency Magistrate, District Magistrate or other Magistrate authorized to commit for trial; and such Magistrate shall bring the case before the High Court or Court of Session, as the case may be, together with the witnesses for the prosecution and defence.

480. When any such offence as is described in Act X, 1872, Procedure in certain section 175, 178, 179, 180, see of contempt. section 175, 178, 179, 180, para 1. cases of contempt. Code is committed in the view or presence of any Civil, Criminal or Re-venue Court, the Court may cause the offender, whether he is a European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day* may, if it thinks fit, take cognizance of * Pollard's the offence and sentence the offender to fine not case, L. R. 2, P. C. 106.

Justice.

exceeding two hundred rupees and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

Act X, 1872, s. 435, puras. 2 and 3.

481. In every such case, the Court shall record the facts constituting the of-Record in such cases. (if any) made by the offender, as well as the find-

ing and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Act X. 1872,
s. 436, paras.
1 and 2.
Act IV, 1877,
s. 206.
Procedure where Court considers that case should not be dealt with under section 480.

482. If the Court in any case considers that a

person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than

in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate or, if sufficient security is not given, shall forward such person under custody to such Magistrate.

The Magistrate to whom any person is forwarded under this section shall proceed to hear the complaint against him in manner hereinbefore provided.

New. 13, Bengal App. 40.

483. A Registrar appointed under the Indian Registration Act, 1877, and, Registrar to be deemed a Civil Court within section 480. when the Local Government so directs, a Sub-Registrar appointed under the same

Act, shall be deemed to be a Court within the meaning of sections 480 and 482.

Act X, 1872, s. 437. ct IV, 1877, s. 207.

484. When any Court has under section 480 adjudged an offender to pun-Discharge of offender on submission or apo-logy. ishment for refusing or omitting to do anything which he was lawfully re-

quired to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction,

Act X, 1872, 485. If any set, 356, 364.

Act X, 1875, Imprisonment or committal of person refusing to answer or produce document.

485. If any witness before a Court refuses to

answer such questions as are put to him or to produce any document in his possession or power which the Court re-

quires him to produce, and does not offer any reasonable excuse for such re-fusal, such Court may, for reasons to be recorded in

writing, sentence him to simple imprisonment, or commit him to the custody of an officer of Court, for any term not exceeding seven days, Omitt unless in the meantime such person consents to be examined and to answer, or to produce the do-cument; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section 480 or 482, and in the case of a Court established by Royal Charter shall be deemed guilty of a contempt.

486. Any person convicted by any Court un- Act der section 480 or section 485 Appeals from convictions in contempt-cases. may, notwithstanding anything hereinbefore contained,

appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

Sections 419, 420, 421, 426 and 428 shall apply to appeals under this section, and the Appellate Court may alter or reverse the finding or sentence appealed against.

An appeal from such conviction by a Court of Small Causes in a Presidency-town shall lie to the High Court, and

an appeal from such conviction by any other Court of Small Causes shall lie to the Court of Session for the Sessions Division within which such Court is situate.

An appeal from such conviction by any officer as New. Registrar or Sub-Registrar appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a conviction by such officer in his capacity as such Judge, and in other cases may be made to the District Judge, or, in the Presidencytowns, to the High Court.

487. Except as provided in sections 477, 480 Act X and 485, no Judge of a Crimi-

Judge or Magistrate not to try offences refer-red to in section 196 when committed before himself.

nal Court or Magistrate other than a Judge of a High when committed before himself.

Court, the Recorder of Rangoon, and the Presidency Magistrates, shall try any seeperson for any offence referred to in section 196,

when such offence is committed before himself or L.L.B., in contempt of his authority, or is brought to his 625. notice as such Judge or Magistrate in a judicial proceeding.

Nothing in section 476 or 482 shall prevent a Magistrate empowered to commit to the Court of Session or High Court from himself committing any case to such Court, or shall prevent a Presidency Magistrate from himself disposing of any case instead of sending it for enquiry to another Magistrate.

CHAPTER XXXVI,

OF THE MAINTENANCE OF WIVES AND CHILDREN.

488. If any person having sufficient means Act X neglects or refuses to main- Act Order for maintenance of wives and children. tain his wife or his legitimate or illegitimate child unable

Prisoners.

to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-divisional Magistrate, or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

Such allowance shall be payable from the date of the order.

If any person so ordered wilfully neglects to comply with the order, any such Magistrate may, for every breach of the order, Enforcement of order. issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for each month's allowance remaining unpaid, to imprisonment for any term not exceeding one month:

Provided that, if such person offers to main-tain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her; and may make an order under this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery or if, without any sufficient reason; she refuses to live with her husband, or if they are living separately by mutual consent.

489. On proof of a change in the circumstances 1872 Alteration in allow- of any person receiving under section 488 a monthly allowance, or ordered under the same section to pay a monthly allowance to his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit, provided the monthly rate of fifty rupees be not exceeded.

490. A copy of the order of maintenance shall 1872. be given without payment Enforcement of order to the person in whose favour it is made, or to his guardian, if any; and such order shall be enforceable by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

CHAPTER XXXVII.

STATE-PRISONERS.

III,

491. Whenever, for all or any of the reasons of State hereinafter men-Procedure in placing tioned, the Governor General Procedure in placing persons under resti as State-prisoners. in Council, the Governor of Fort St. George in Council, or the Governor of Bombay

in Council, hereinafter called the Government, is of opinion that any person should be placed under personal restraint, without any immediate view to ulterior judicial proceedings, a warrant of commitment under the authority of the Government and under the hand of one of its Secretaries, shall be issued to the officer in whose custody such person (hereinafter called a State-prisoner) is to be placed.

The reasons above referred to are as follows:-

- (a) the maintenance of the alliances formed by the British Government with foreign powers;
- (b) the preservation of tranquillity in the territories of Native Princes and States entitled to its protection;
- (c) the security of the British dominions from foreign hostility or internal commotion.

492. Such warrant shall authorize the detention Act III. 1858, Form and effect of of the State-prisoner therein mentioned in any fortress jail or other place within British India.

493. The officer in whose custody any State-Ben. Reg. III, prisoner has been placed 1818, s. 5. under this chapter or under Mad. Reg. II, any enactment repealed by Bom. Reg., this Code, shall forward, with XXV, 1827, this Code, shall forward, with XXV, 1827, such observations as he s. 5. clause Representations made by State-prisoners to be submitted to Govern-

such observations as he s. 5, clause thinks necessary, to the Government under whose authority such prisoner was so placed, every representation which he may from time to time be

desirous of submitting to such Government. 494. Every officer in whose custody any State-Ben. Reg. III,

prisoner is placed shall, as prisoner is placed shall, as 1818, s. 6. soon after taking such pri- Mad. Reg. II, soner into his custody as Bom. Reg. may be practicable, report to XXV, 1827, Report to Government regarding nature of con-finement, health and allowances of Statemay be practicable, report to prisoners. such Government whether the degree of confinement to

which the State-prisoner is subjected seems likely to injure his health, and whether the allowance fixed for his support is adequate to the supply of his own wants and those of his family then with him according to their rank in life.

495. Whenever the Government for any of the Ben. Reg. III, reasons mentioned in section 1818, s. 9.

Attachment of lands 491, considers it necessary to Mad. Reg. II, without any previous 1819, s. 9. Attachment of lands in mufassal by order of Government.

decision of a Court of justice XXV, 1827, or other judicial proceeding, the lands of any s.7. proprietor which are situate outside the Presidency towns, it shall direct the District Magistrate within the local limits of whose jurisdiction the lands are situate to attach such lands, and they shall be attached accordingly.

496. The lands so attached shall be held under Bennage.

Lands attached to be the management of the Collector, and shall be adminislector, and shall be adminislector and shall be administration a 496. The lands so attached shall be held under Ben. Reg. III, lector, and shall be adminded to the Book Reg. XXV, 1827, placed under manage-Government may direct. 8. 8.

Directions of the nature 508 of a Habeas Corpus.

Such lands shall not be liable to be sold in execution of decrees of the and not to be sold in Civil Courts, or for the realization of fines or otherwise, so long as they are so held under attachment, without the consent of the Government and the proprietor.

But the whole or any part of the annual nett Reg. Government to ar-range for satisfying de-crees.

Government to ar-proceeds of such lands may, if the Government so directs, be applied to the Bom, l tion of the decrees of the Civil Courts against the proprietor.

Ben. Reg. III, 1818, s. 11.

Mad. Reg. II, Procedure where Gov. 1819, s. 11. ernment orders release Bom. Reg. of land from attachment. XXV, 1827. rendered necessary the attachment have ceased rendered necessary the attachment have ceased to operate, and that the management of the lands can be committed to the proprietor without public hazard or inconvenience, such Government shall direct the Collector to release the lands from attachment, to adjust the accounts of the collections during the period in which they have been superintended by Government and to pay over to the proprietor the nett proceeds of the lands which have accumulated during the attachment.

Act XXXIV, 1850, s. 1. Act III, 1858, 498. The warrant of commitment of any State-4. 3.

Officers to whom war-rant of commitment of State-prisoner may be directed.

Officers to whom war-rant of commitment of may be directed to the Su-perintendent of the jail in any Presidency-town, or to the Commandant of any fortress, or to the officer in charge of any jail or other place, in which it is deemed expedient that such State-prisoner be confined, in any part of British India; and suchwarrant shall authorize the detention of such Stateprisoner in the jail, fortress or other place therein mentioned.

Act III, 1858, # 499. The Governor General in Council may Removal of State-prisoners from one place of confinement to another.

Ment repealed by this Code from any jail, fortress or place in which he may be confined to any other jail, fortress or place of confinement within British India.

Act XI, 1857, 500. Nothing in this chapter applies to Euros. 6.

Bom. Reg. Saving of European

XXV, 1827, British subjects.

Ch. 1, s. 1.

CHAPTER XXXVIII.

DIRECTIONS OF THE NATURE OF A HABEAS CORPUS.

501. Any of the High Courts of Judicature at Act X, 1872, Act X, 1875, Power to issue directions of the nature of a habeas corpus. Bombay may, whenever it thinks fit, direct—

(a) that a person within the limits of its ordi-

nary original criminal jurisdiction be brought up before the Court to be dealt with according to law;

- (b) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;
- (c) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;
- (d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any Commission from the Governor General in Council for trial, or to be examined touching any matter depending before such Court-martial or Commissions. sioners respectively;
- (e) that a prisoner within such limits be removed from one custody to another for the purpose of trial;
- (f) that the body of a defendant within such limits may be brought in on the Sheriff's return of copi corpus to a writ of attachment.

Each of the said High Courts may from time to time frame rules to regulate the procedure in cases under this section.

Nothing in this section applies to State-prisoners detained under Chapter XXXVII or under any enactment hereby repealed.

PART IX. SUPPLEMENTARY PROVISIONS.

CHAPTER XXXIX.

OF THE PUBLIC PROSECUTOR.

502. The Governor General in Council or the Act I. Local Government may appoint in any case or for any class of cases in any local appoint public prosecutors. area one or more officers to be called Public Prosecutors.

In any case committed for trial to the Court Act A of Session, the District Magistrate, or, subject to the control of the District Magistrate, the Sub-divisional Magistrate, may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below the rank of Assistant District Superintendent to be Public Prosecutor for the purposes of such case.

503. The Public Prosecutor may appear and Act plead without any written authority before any Court Public Prosecutor may plead in all Courts in cases under his charge in which any case of which he has charge is under

inquiry, trial or appeal; and if any private person instructs a pleader to prosecute in any Court any

Pleaders, privately in-structed, to be under his direction.

person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall

act therein under his directions.

Effect of withdrawal from prosecution.

504. The Public Prosecutor may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judg-

ment is pronounced, withdraw from the prosecution of any person, and upon such withdrawal,

- (a) if it is made before a charge has been framed, the accused shall be discharged;
- (b) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted.

505. Any Magistrate inquiring into or trying 1872. Permission to conduct any case may permit any person other than an officer of police below the rank of Assistant District Superintendent to conduct the prosecution; but no person, other than the Advocate General, Standing Counsel, Government Solicitor, Public Prosecutor or other officer generally or specially empowered by the Local Government in this behalf shall be entitled to do so without such permission.

Any person conducting the prosecution may do so personally or by a pleader.

CHAPTER XL.

OF BAIL.

506. When any person other than a person accused Bail to be taken of a non-bailable offence is a case of bailable arrested or detained without warrant by an officer in charge 1877, of a Police-station, or appears or is brought before p, a Court, and is prepared at any time while in the p.371, custody of such officer or at any stage of the proceedings before such Court to give bail, such proceedings before such court to give bail, such person shall be released on bail: Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

507. When any person accused of any nonbailable offence is arrested or When bail may be ken in case of nontaken in case of 1877, bailable offence. detained without warrant by an officer in charge of a Policestation or appears or is brought

before a Court, he may be released on bait, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as

the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

arrested, and may commit him to custody.

508. The amount of every bond executed under Act X, 1872,

Power to direct admission to bail or reduction due regard to the circumstansion of bail.

ces of the case, and shall not I.L. R, 1 All.

be excessive; and the High Court or Court of Ses
151. sion may in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a Police-officer or Magistrate be reduced.

509. Before any person is released on bail or Act X, 1872, released on his own bond, a s. 391. bond for such sum of money s. 72. as the Police-officer or Court,

as the case may be, thinks sufficient shall be executed by such person, and when he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the Policeofficer or Court as the case may be.

If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

510. As soon as the bond has been executed, Act X. 1872, the person for whose appear. s. 394. ance it has been executed shall Act IV, 1877, be released, and reheat he is in s. 73. Discharge from cusbe released; and when he is in jail, the Court admitting him to bail shall issue

an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

511. If, through mistake, fraud, or otherwise, in- Act X, 1872,

Power to order suffi.
sufficient sureties have been s. 392,
eient bail when that first accepted, or if they afterwards taken is insufficient.

accepted, or if they afterwards s. 75.
become insufficient, the Court become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it, and may order him to find sufficient sureties, and on his failing so to do may commit him to jail.

512. All or any sureties for the attendance and Act X, 1872, either wholly or so far as relates to the applicants.

On such application being made, the Magistrate shall issue his warrant of arrest, directing that the person so released be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other

510 -

sufficient sureties, and if he fails to do so, may commit him to custody.

CHAPTER XLI.

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

513. Whenever, in the course of an inquiry,

Act X, 1872, s.

330, paras.
1 and 2.
When attendance of tet X, 1875, witness may be dispensed s, 76, para. with. When attendance of trial or other proceeding under this Code, it appears to a Presidency Magistrate, a Act IV, 1877, Court that the examination of a witness is necessary for the ends of justice, and that the attendance Act IV, 1877, of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dis-

Issue of commission pense with such attendance and may issue a commission to any Dietrict M. to any District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

When the witness resides in the dominions of any Prince or State in alliance with Her Majesty in which there is an officer representing the British Indian Government, the commission may be issued to such officer.

The Magistrate or officer to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

Act XI, 1874, s. 35, para.

Commission in case of Act X, 1875, witness being within a. 76, para. 4. Presidency-town.

514. If the witness is within the local limits of the jurisdiction of any Presidency Magistrate, the Magistrate or Court issuing the commission may direct the

same to the said Presidency Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

Nothing in this section shall be deemed to affect the power of the High Court to issue commissions under the thirty-ninth and fortieth of Victoria, chapter 46, section 3.

s. 330, para.

Act XI, 1874, witness.

Act X, 1872, 515. The parties to any proceeding under this Code in which a commission Parties may examine is issued may respective-ly forward any interrogaby forward any interroga-tories in writing which the Magistrate or Court Act X, 1875, directing the commission may think relevant to s. 76, para, the issue, and the Magistrate or officer to whom the issue, and the Magistrate or officer to whom the commission is directed shall examine the

witness upon such interrogatories. Such parties may appear before such Magistrate or officer by pleader, or if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

516. Whenever, in the course of an inquiry or Act mufassal trial or other proceeding under Power of mufassal Subordinate Magistrate to apply for issue of commission. this Code before any Magistrate other than a Presidency Magistrate District or

Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the District Magistrate, stating the reasons for the application: and the District Magistrate for the application; and the District Magistrate may either issue a commission in the manner hereinbefore provided or reject the application.

517. After any commission issued under sec-, Ad XI tion 513 or section 516 has Return of commission. been duly executed, it shall Act X, be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition of such witness shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

518. In every case in which a commission is N. Stay of inquiry or trial. directed under section 513 or section 516, the inquiry, trial or other proceeding may be stayed for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XLIL

SPECIAL RULES OF EVIDENCE.

519. The deposition of a Civil Surgeon or other Act X,1 medical witness, taken and Act X,1 Deposition of medi-cal witness. attested by a Magistrate in attested by a Magistrate in 71.

the presence of the accused, Act IV.
nce in any inquiry, trial or s. 159 may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Power to summon examine such deponent as to the subject-matter. the subject-matter of his deposition.

520. Any document purporting to be a report Act X, Report of Chemical under the hand of the Chemical Examiner or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted Act ! to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other

proceeding under this Code. 521. In proving the existence of circumstances Act 180 as a defence under the second, Noti Good faith to be pre-sumed in certain cases. third, fifth, sixth, seventh, eighth, ninth or tenth Excep-

Disposal of Property.

511

tion to section 499 of the Indian Penal Code, good faith shall be presumed until the contrary appears.

1872, 522. In any inquiry, trial or other proceeding under this Code a previous conviction or 1875, acquittal how proved. be proved, in addition to 1877, any other mode provided by any law for the time

(a) by an extract certified under the hand of the officer liaving the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(b) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered.

1875, Record of evidence in absence of accused.

1876, Record of evidence is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions, and any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into or trial for the offence with which he is charged, provided that the attendance of the deponent cannot be procured.

CHAPTER XLIII.

PROVISIONS AS TO BONDS.

1872, 524. When any person is required by any
1875, Deposit instead of recognizance.

1877, Court or officer to execute a bond with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.

1872, 525. Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a 17503, Presidency Magistrate or Magistrate of the first 1474, class,

4. 975, or, when the bond is for appearance before 138. a Court, to the satisfaction of such Court,

877, that such bond has been forfeited, the Court shall 229 record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person.

Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the distress and sale of any moveable property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

The Court may at its discretion remit any portion of the penalty mentioned and enforce payment in part only.

526. All orders passed under section 525 by Act X, 1872
Appeals from, and revision of, orders under a Presidency Magistrate or
section 525.

District Magistrate shall be
appealable to the District Magistrate, or, if not
so appealed, may be revised by him.

527. The High Court or Court of Session may Act X, 1879.

Power to direct levy direct any Magistrate to s. 398, last para.

levy the amount due on a Act X, 1875, bond to appear and attend at s. 138, last para.

such High Court or Court of Session.

CHAPTER XLIV.

OF THE DISPOSAL OF PROPERTY.

Order for disposal of property regarding which offence committed.

Act X, 1872

Court is concluded, the Court s. 418. may make such order as it thinks fit for the disposal of thinks fit for the disposal of thinks fit for the disposal of the thinks fit for the disposal of thinks fit for the disposal of thinks fit for the disposal

Magistrate.

When an order is made under this section in a case in which an appeal lies, such order shall not be carried out until the period allowed for presenting such appeal has passed, or, when such appeal is presented within such period, until such appeal has been dismissed.

EXPLANATION.—In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

5 3

Order may take form section 528, the Court may direct the property to be delivered to the District trate.

Magistrate or to 25 delivered to the delivered to the District Magistrate or to 25 delivered to 25 delive sional Magistrate, who shall in such cases deal with it as if it had been seized by the police, and the seizure had been reported to him in the manner hereinafter mentioned.

530. When any person is convicted of any Payment to innocent offence which includes, or purchaser of money amounts to, theft or receiving found on prisoner. stolen property, and it is 30 & 31 Vic., c. 35, s. 10. found on prisoner. stolen property, and it is proved that any other person has bought the stolen property from him without knowing or having reason to believe that the same was stolen, and that any money has under this Code been taken out of the possession of the convicted person, the Court on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

531. Any Court of appeal, confirmation, refer-Act X, 1872, Stay of order under ence or revision may direct any order under section 528 or 529. s. 419. L. R., Calc., 379. 529 passed by a Court subor-* Court of appeal. dinate thereto to be stayed pending consideration by the former Court, and may modify, alter or annul such order.

Livingston, p. 532. On a conviction under the Indian Penal Destruction of libellous and other matter.

Code, section 292, 293, 501 or 502, the Court may order all the copies of the thing in respect of which the conviction was had, and which remain in the possession or power of the person convicted, to be destroyed.

The Court may in like manner, on a conviction under the Indian Penal Code, sections 272, 273, 274 or 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

Act X, 1872, 533. s. 534. Act X, 1875, Power s. 142. Act IV, 1877, property. 533. Whenever a person is convicted of an offence attended by criminal Power to restore possession of immoveable property.

force, and it appears to the Court that, by such force, any person has been dispossessed of any immoveable property, the Court may proper to be restored to the possession

order such person to be restored to the possession of the same.

No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit,

534. The seizure by any Police-officer of ss. 387, para.

2, 415.

Act IV, 1877, seizure of property taken 51, or alleged or suspectant a. 244.

Procedure bypolice upon property taken under section 51, or alleged or suspectate to have been stolen, or found under circumstances which create suspicion of the commission of any offence shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained

respecting the custody and production of such property.

If the person so entitled is known, the Magistrate Act x Procedure where may order the property to owner of property seized be delivered to him on unknown such condition (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it, and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before him and establish his claim within six months from the date of such proclamation.

535. If no person within such period estab- Act X Procedure where no lishes his claim to such pro-claimant appears within perty, and if the person in whose processes in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Presidency Mag trate, District Magistrate or Sub-divisional Magistrate or of a Magistrate of the first class empowered by the Local cornment in this behalf.

In the case of every order passed under this section, an appeal shall be allowed to the Court to which appeals against sentences of the Court passing such order would lie.

Power to sell perishentitled to the possession of lad I.
such property is unknown or absent, and the property is absent, and the property is able property. of a perishable nature, or the Magistrate is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold; and the provisions of sections 534 and 535 shall, as nearly as may be, apply to the nett proceeds of such sale.

CHAPTER XLV.

OF THE TRANSFER OF CRIMINAL CASES.

537. Whenever it is made to appear to the Act X High Court-High Court may transfer case, or itself try it.

- (a) that a fair and impartial enquiry or trial cannot be had in any Criminal Court subordinate thereto, or
- (b) that some question of law of unusual difficulty is likely to arise, or
- (c) that a view of the place in or near which any offence has been committed may be required for the satisfactory enquiry into or trial of the same, or
- (d) that an order under this section will tend to the general convenience of the parties or witnesses,

it may order-

(1) that any offence be enquired into or tried by any Court not empowered under sections 178 to 185, but in other respects competent to enquire into or try such offence;

riminal

Cases.

ansfer of Part V]

Irregular Proceedings.

Pr. IX,

XLVI.

(2) that any particular criminal case or appeal, or class of such cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction; or

(3) that any particular criminal case or appeal be transferred to and tried before itself.

When the High Court withdraws for trial before itself any case from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 268, observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

1 Every application for the exercise of the power R., 223. conferred by this section shall be made by motion which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation.

When an accused person makes an application under this section, the High Court may direct him to execute a bond, with or without sureties, conditioned that he will, if convicted, pay the costs of the prosecutor.

Every accused person making any such appli-IV, 1877, 181. cation shall give to Notice to Public Pro-secutor of application under this section. Public Prosecutor notice in writing of the application, together with a copy of the

grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

Nothing in this section shall be deemed to affect any order made under section 198.

538. Whenever it appears to the Governor General in Council that the 1874, Power of Government of India to transfer criminal cases and ap-Power of Government transfer next hereinafter mentioned will promote the ends general convenience of parties or witnesses, he may, by notification in the Gazette of India, direct the transfer of any particular criminal case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court.

The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such

539. Any District Magistrate or Sub-divisional Magistrate may with- any case from, or recall any Magistrate may withdraw draw or refer case case which he has made 1874 over to any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

Local Government may authorize the The District Magistrate to with-Power to authorize District Magistrates to draw from the Magistrates subordinate to him withdraw classes of either such classes of cases as he thinks proper, or particular classes of cases.

CHAPTER XLVI.

OF IRREGULAR PROCEEDINGS.

540. If any Magistrate not empowered by law Act X, 1872, regularities which do to do any of the following ss. 32, 184, ct. (9). Irregularities which do to do any of the following not vitiate proceedings. things, namely:—

(a) to issue a search-warrant, under section

99:

(b) to order, under section 156, the police to investigate an offence;

(c) to hold an inquest under section 177;

(d) to issue process, under section 187, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits; or

(e) to take cognizance of an offence under section 192, clause (a) or clause (b);

(f) to transfer a case under section 193;
(g) to tender a pardon under section 337 or section 338.

(h) to sell property under section 535 or section 536;

(i) to withdraw a case and try it himself under section 539;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

541. If any Magistrate, Act X, 1872, Irregularities which vitiate proceedings. not being empowered by law in this behalf, does any of cepting the following things (namely) :-

(a) passes a sentence under section 349, on proceedings recorded by another Magistrate

(b) takes cognizance under section 192, clause (c), of an offence;

(c) attaches and sells property under section 89

(d) tries an offender summarily;

(e) decides an appeal;

(f) calls under section 435 for proceedings;
(g) issues a search-warrant for a letter in the Post-office, or a telegram in the Telegraph Department;

(h) revises under section 526 an order passed under section 525;

(i) demands security to keep the peace;

(j) discharges bonds to keep the peace;
(k) demands security for good behaviour;
(l) discharges a person lawfully bound to be of good behaviour;

(m) makes an order under section 134 as to a local nuisance;

(n) issues an order under section 145;

(o) prohibits under section 144 the repetition or continuance of a public nuisance;

(p) makes an order under Chapter XII; or

(q) makes an order for maintenance; his proceedings shall be void.

542. No finding, sentence or order of any Act X, 1872,

Criminal Court shall be set s. 70.

aside merely on the ground Act IV, 1877,

8. 24.

that the inquiry, trial or other proceeding in the course of which it was arrived at or passed, took place in a wrong Sessions Division, District, Sub-division or other local area, unless it appears that such error occasioned a failure of justice.

543. If any Magistrate or other authority Act X, 1872, When irregular commitments may be validated.

Durporting to exercise powers s. 33

duly conferred, but not being Act X,
dated. so conferred, commits an accused person to take his trial before a Court of

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Provide f

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Session or High Court, the Court to which the commitment is made may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been prejudiced, unless objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority during the inquiry and before the order of commitment.

If such Court considers that the accused was prejudiced, or if such objection as aforesaid was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

544. If any Court before which a confession or other

Non compliance with statement of an accused person provisions of section 165 recorded under section 165 or or 364. 364 is tendered in evidence

finds that the provisions of such section have not been fully complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded : and unless the error injures the accused as to his defence on the merits, it shall not affect the admissibility of such statement.

Act X, 1872,

545. An omission to ask any person whether Omission to ask ques- he is an European British subject in a case to which the second clause of section tion prescribed by section 454, clause 2. 454 applies shall not affect the validity of any proceeding, although it appears that he was aware of rights claimable under this Code by him as such subject.

546. No finding or sentence pronounced or Effect of omission to passed shall be deemed inva-lid merely on the ground

prepare charge. that no charge was framed,

unless, in the opinion of the Court of appeal or revision, a failure of justice has been occasioned

Act X, 1872, If the Court of appear or revision.

8. 216, Ex- a failure of justice has been occasioned by an a charge, it shall order that a omission to frame a charge, it shall order that a charge shall be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

Act X, 1872, . 283, Expln. 4 Calc.,409.

547. If an offence triable with the aid of assessors is tried by a jury, Trial by jury of offen-ces triable with assessors. the trial shall not on that ground be invalid.

If an offence triable by a jury is tried with the aid of assessors, the trial Trial with assessors of offences triable by jury. shall not on that ground objection is taken before the Court records its

finding. 548. ss. 203, para.

5, 283, para. Finding or sentence
1, 300, 464, when reversible by reaparas. 6 and son of error or omission
7. (Act XI, in charge or proceedings.
1874; s. 41,)
11 & 12 Vic.

143 a 0. or on appeal or revis

Subject to the provisions hereinbefore contained, no finding, sen-tence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVII

or on appeal or revision on account-

of any error, omission or irregularity in the comss. 117, 177. plaint, summons or charge, judgment or other pro-1. L. R., 1 All., ceedings before or during trial, or

610. Act IV, 1877, of the as, 31, 178, 196, or 1 Bom. 238. of an of the want of any sanction required by section

of any misdirection in any charge to a jury, unless such error, omission, irregularity, want or misdirection has occasioned a failure of justice.

IV. 1877,

549. No distress made under this Codo shall Distress notillegal nor shall any person making the shall any person making the same be deemed a trespasser, proceedings. be deemed unlawful, nor

on account of any defect or want of form in the sum-writ of distress or other pro-thereto. mons, conviction, ceedings relating thereto.

CHAPTER XLVII. MISCELLANEOUS.

550. Affidavits and affirmations to be used frecis, p Courts and persons before any High Court or before whom affidavits any officer of such Court Act X, 1 may be sworn. may be sworn and affirmed s. 149. any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits in any Court

of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorized to take affidavits or affirmations in Scotland.

551. Any Court may, at any stage of any in- Act X. quiry, trial or other proceedwitness, or examine ing under this Code, sum-Power to summon mamon any person as a witness Act IV, person present.

or examine any person in attendance, though not summoned as a witness; or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person, if his evidence appears to it essential to the just decision of the case.

552. Unless when otherwise provided by any law Act X Power to appoint place for the time being in force, of imprisonment. the Local Government may

person liable to be imprisoned or committed to custody under this Code shall be confined.

553. Notwithstanding anything contained in Act IV. the Prisoners Testimony

er in jail to be brought up for examination.

Act, 1869, any Presidency Magistrate desirons of examination.

cused person, in any case pending before him, any person confined in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesad.

554. When the services of an interpreter are Act X required by any Criminal Interpreter to be bound Court for the interpretation 6.22 to interpret truthfully. he shall be bound to state the true interpretation

of such evidence or statement. 555. Subject to any rules made by the Local Act X.

Government with the previAct X. Government with the previous sanction of the Governor s. Expenses of complainants and witnesses. General in Council, any Act

Criminal Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any enquiry, trial or other proceeding before such Court under this Code.

556. Whenever under any law in force for Act I Power of Court to pay the time being a Criminal 1,3 court imposes a fine or con-Act I confidence for Act I imposes a fine or con-Act I firms in appeal or revision a sentence of fine, or a sentence of which fine forms Act a part, the Court may, when passing judgment order the whole or any part of the fine recovered to be

applied-(a) in defraying expenses properly incurred in the prosecution;

(b) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by civil suit.

Act X, 1872, s. 346, last para.

Act X, 1872, s. 216, Explu.

Act X, 1872,

c. 43, s. 9. Act IV. 1877,

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If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has clapsed, or, if an appeal be presented, before the decision of the appeal.

557. At the time of awarding compensation in any subsequent civil suit

X, 1872, Payments to be taken in any subsequent civil suit relating to the same matter, st suit. the Court shall take into

w. account any sum paid or recovered as compensation under section 556. rs, 336.

558. Any money (other than a fine) payable by Moneys ordered to be virtue of any order made paid recoverable as fines. under this Code shall be recoverable as if it were a fine.

559. If any person affected by a judgment or Copies of proceedings. order passed by a Criminal Court desires to have a copy 1875, of the Judge's charge to the jury or of any order 1877, or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith: provided that he pay for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

560. When any person is brought before a Magis-Delivery to Military trate and charged with an authorities of persons offence for which he is liable, liable to be tried by under the Army Discipline liable to be tried by under the Army Discipline and Regulation Act, 1879, section forty-one, to be tried by a Court-martial, such Magistrate shall, unless the Governor General in Council otherwise generally or specially directs, deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps or detachment to which he belongs, or to the commanding officer of the nearest military station, for the purpose of being brought for trial before a Court-martial.

Every Magistrate shall, on receiving a written Apprehension of such persons.

Apprehension of such by the commanding officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

561. Police-officers superior in rank to officers Powers of superior offimay exercise the same powcers of Police. which they are appointed, as may be exercised by

fficers in charge of Police-stations within the beits of their respective stations.

562. Upon complaint made to a Presidency Power to compel re. Magistrate or District Magis-storation of abducted fe- trate on oath of the abducof a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge or government of such child, and may compel compliance with such order, using force if necessary.

563. Whenever any person causes a Policeofficer to arrest another per-Compensation to per-ten groundlessly given a charge in Presidencyson in a Presidency-town, heard that there was no sufficient ground for causing such arrest, the Magistrate may award ach compensation, not exceeding fifty rupees, to paid by the person so causing the arrest to the person so arrested for his loss of time and expenses in the matter, as the Magistrate thinks fit.

In such cases, if more persons than one are arrested or complained against, the Magistrate may, in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

All compensation awarded under this section may be recovered as if it were a fine, and if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment such term not exceeding thirty days as the Magis-

such term not exceeding tunty days at trate directs, unless such sum is sooner paid.

564. With the previous sanction of the Governor Act X, 1872.

General in Council, the High ss. 292, 293. Power to make rules General in Council, the High for inspection of records Court at Fort William, and of subordinate Courts. with the previous sanction of the Local Government, any other High Court established by Royal Charter, may from time to time make rules for the inspection of the records of subordinate Courts.

With the previous sensition of the J. C.

With the previous sanction of the Local Govern-Power of certain High ment, every High Court not ourts to make rules for established by Royal Charter other purposes. may from time to time-

(a) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it;

(b) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts; and

(c) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

All rules made under this section shall be published in the official Gazette.

shed in the official Gazette.

565. Subject to the power conferred by section See Act X,

Forms.

564, and by the twenty-fourth
and twenty-fifth of Victoria,
1,509, para.
1,509, para.
2; and Act
1V. 1877,
10 onch case require,
1,509, para.
2; and Act
1V. 1877,
10 onch case require,
1,509, para.
2; and Act
2; and Act
3,509, para.
3,509, para.
3,609, para.
3,709, para.
3,709, para.
3,809, para.
3,809, para.
3,809, para.
3,809, para.
3,909, para. chapter 104, section 15, the forms set forth in the fifth schedule hereto annexed, with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

566. The Local Government may determine Act X, 1872, what for the purposes of this s. 387. Code, shall be deemed to be

Power to decide lan-guage of the Court. the language of each Court within the territories administered by such Government, other than the High Courts established by Royal Charter.

567. All powers conferred by this Code on Powers of Local Gov- the Local Government may Powers of Local Gov-ernment exercisable from time to time. be exercised from time to

time as occasion requires. 568. The provisions of this Code shall apply, so Act X, 1872, far as may be, to all cases ss. 3, 539. pending in any Criminal Act IV, 1877. Court when this Code comes Pending cases and miscellaneous proceedings. into force and to all miscellaneous criminal cases

and proceedings instituted in any Court.

If any doubt arises as to the procedure to be fol-

lowed in any case or class of cases under this section, the Court shall be guided by such rules consistent with this Code as the High Court may from time to time make in this behalf.

SCHEDULE I. ENACTMENTS REPEALED.

(a).—Statutes.

Year, reign and chap	ter.	110 20001	Title.	ar to gon		Extent of repeal.
13 Geo. III, chapter 63		An Act for establication for the better may of the East In India as in Euro	Section 38.			
abar muty value	4.		b).—Acts.			
Number and year		and the state of the state of	Subject.	Jan te (Mari)	V. V.	Extent of repeal.
XXIII of 1840		Execution of proce	ss			So much as has not been repealed.
XXXIV of 1850		State-Prisoners .				The whole.
III of 1858		Ct. t. D.:				So much as has not
XLV of 1860		Penal Code	•			been repealed. The illustrations to section 214.
Act V of 1861		Police Act				Sections 6 and 24. Section 35, down to and including the words "Provided that." Sections 37 to 40, both inclusive.
XVIII of 1862		Criminal Procedur		So much as has not been repealed.		
II of 1869	•••	Justices of the Pea	So much as has not been repealed.			
XXII of 1870 IV of 1872	•••	Application to Eu Acts conferring Panjáb Laws				
X of 1872		The Code of Crim	inal Proced	ure		So much as has not been repealed.
XI of 1874 XV of 1874		Amending the Co Laws Local Exter		inal Proc	edure	The whole. So far as it relates to Acts XXXIV of 1850 and III of 1858, and to Bengal Regulations III of 1818 and XX of 1825, Madras Regu- lation II of 1819, and Bombay Regulation XXV of 1827.
X of 1875	•••	High Courts' Cri	minal Proce	dure		The whole Act, except section 144 and so much of section 146 as relates to informations.
XVII of 1875		Burma Courts		•••		So much of section 98 as relates to Bengal Regulation III of 1818.

SCHEDULE I—continued. ENACTMENTS REPEALED—(continued).

(b).—Acts, continued.

Number and year.		Subject.		Extent of repeal.
XX of 1875		Central Provinces Laws	•••	 So far as relates to Bengal Regulations III of 1818 and XX of 1825.
XVIII of 1876 IV of 1877		Oudh Laws Presidency Magistrates		 Ditto. The whole Act except
XXI of 1879		Extradition		 section 57. Chapter III.

(c).—Regulations.

Number and Year.	Subject,		Extent of repeal.
Bengal Regulation III of 1818.	State-Prisoners		So much as has been repealed.
Bengal Regulation XX of 1825.	Jurisdiction of Courts Martial		Ditto.
Madras Regulation II of 1819.	State-Prisoners		Ditto,
Bombay Regulation XXV of 1827.	Ditto		Ditto.
III of 1872	Sontal Parganas Settlement	•••	So far as relates to Acts XXXIV of 1850, III of 1858 and X of 1872, and to Bengal Regulation III of 1818.
IX of 1874	Arakan Hills District Laws		So far as relates to Acts XXXIV of 1850, III of 1858, II of 1869, X of 1872 and XI of 1874, and to Bengal Regulation III of 1818.
II of 1877	Ajmer Laws		So far as relates to Ben- gal Regulations III of 1818 and XX of 1825.

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE, -The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column,

CHAPTER V.-OF ABETMENT.

	8 By what Court triable.	By the Court by which the offence abetted is triable.	Ditto.
	Punishment under the Indian Penal By what Court Code.	The same punishment as for the offence abetted.	Ditto
	Whether compoundable or not.	According as the offence abetted is compound-able or not.	Ditto
	5 Whether bailable or not.	According as the offence abetted is bailable or not.	Ditto
	Whether a warrant or a summons shall ordinarily issue in the first instance.	arrest According as a According as According as war- arrest summons may abetted is abetted is flence issue for the bailable or not. compound. may offence abetwith. with. ted.	Ditto
•	Whether the police may arrest without warrant or not.	if he o ted ade was was	Ditto
	Offence.	abetted is committed in consequence, and where no express provision is made for its punishment. Abetment of any offence, if the act with quence, and where no express provision is made for its punishment. Be mont.	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.
	1 Section.	109	110

Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
The same punishment as for the offence intended to be abetted.	The same punishment as for the offence committed.	Ditto	Imprisonment of either description for 7 years and fine.	Imprisonment of either des- cription for 14 years and fine.	Imprisonment extending to quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.
		1				
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
Ditto	Ditto	Ditto	Not bailable	Ditto	According as the offence a betted is bailable or not.	Ditto
		:		i	•	1
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
:	•		1		:	•
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
When one act is abetted and a Ditto different act is done, subject to the proviso.	When an effect is caused by the act abetted different from that intended by the abettor.	If abettor is present when offence is committed.	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	If an act which causes harm be done in consequence of the abet-ment.	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.
	111	113	111	11.5	116	

SCHEDULE II—continued. CHAPTER V.—OF ABETMENT—(concluded).

8 By what Court triable.	By the Court by which the offence abetted is triable.	Ditto.	Ditto.	Ditto.	7
Punishment under the Indian Penal Code.	Imprisonment of either description for 3 years, or fine, or both.	Imprisonment of either description for 7 years and fine.	Imprisonment of either description for 3 years and fine.	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Imprisonment of either description for 10 years.
6 Whether compoundable or not.	According as the offence abetted is compound-able or not.	Ditto	Ditto	Ditto,	Ditto
5 Whether bailable or not.	According as the offence abetted is bailable or not.	Not bailable Ditto	Ditta	According as the offence abetted is bail- able or not.	Not bailable
Whether a warrant or a summons shall ordinarily issue in the first instance.	According as a warrant or summons may issue for the offence abetted.	Ditto	Ditto	Ditto	Ditto
Whether the police may arrest without warrant or not.	May arrest with- out warrant if arrest for the offence abetted mar be made with ut war- rant, but not otherwise.	Ditto	Ditto	Ditto	
2 Offence.	Abetting the commission of an May arrest with- offence by the public, or by more thau ten persons. offence abetted mar be made with ut war- rant, but not otherwise.	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	If the offence be not committed	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	If the offence be punishable with Ditto death or transportation.
2 Section.	117	118		119	

Ditto.	Ditto.	Ditto.
Imprisonment extending to quarter part of the longest term, and of any description, provided for the offence, or	nne, or both. Ditto	Imprisonment extending to Ditto, one-eighth part of the long-est term, and of the description, provided for the offence, or fine, or both.
	•	:
Ditto	Ditto	Ditto
According as Ditto the offence abetted is bail-able or not.		
<u>*</u>	Ditto	Ditto
Ditto	Ditto	Ditto
Ditto	Ditto	Ditto
If the offence be not committed Ditto	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	If not committed
	120	

CHAPTER VI. OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage Shall not war, or abetting the waging of rest with war, against the Queen.		ar- Warrant		Not bailable	Not compound - able.	Not compound- Death, or transportation for Court of Ses- able. sion.	Court of Ses
I.A	121A Conspiring to commit certain offences against the State.	Ditto	Ditto	:	Ditto	Ditto	Transportation for life or any shorter term, or imprison.	Ditto.
122	Collecting owns to 1						ment of either description for 10 years.	
F	tention of waging war against the Queen.		Ditto	Ditto	Ditto	Ditto	Transportation for life, or im- prisonment of either descrip- tion for 10 years, and for- feiture of property	Ditto.
123	Concealing with intent to facilitate Ditto a design to wage war.		Ditto	Ditto		Ditto	Imprisonment of either descrip- Ditto.	Ditto.

SCHEDULE II—continued.

CHAPTER VI. OFFENCES AGAINST THE STATE-(concluded).

1	2	8	7	ō	9		8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishm nt under the Indian Penal e Code.	By what Court triable.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without war- rant.	Warrant	Not bailable	Not compound- able.	Imprisonment of either description for 7 years and fine.	Court of Session.
124A	Exciting, or attempting to excite, disaffection.	Ditto	Ditto	Ditto	Ditto	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Ditto.
185	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the wag- ing of such war.	Ditto	Ditto	Ditto	Ditto	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for Tyears and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.

0	trate or Magistrate of the first class. Court of Ses. sion.			Court of Session.	Ditto.	Court of Session, Presidency Ma-	gistrate or Ma- gistrate of the first class.	Court of Session.
Simple imprisonment for 3 years and fine.	Transportation for life, or imprisonment of either description for 10 years and fine.		VD NAVY.	Transportation for life, or imprisonment of either description for 10 years and fine	ation ment	years and fine. Imprisonment of either decention for 3 years and fine.		Imprisonment of either de. C. scription for 7 years and fine.
Ditto	Ditto	The state of the s	E ARMY AD	Not compound- able.	Ditto	Ditto		Ditto
Bailable	Not bailable	TING TO WITH	HI OF SHIP	Not bailable	Ditto			
		RELA			<u>.</u>	Ditto		Ditto
Ditto	Ditto	FFENCES		Warrant	Ditto	Ditto		Ditto
Ditto	Ditto	CHAPTER VII.—OFFENCES RELATING TO TITE . T		May arrest with- Warrant out warrant.	Ditto	Ditto		Ditto
Public servant negligently suffering prisoner of State or War in his custody to escape.	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	CHAI	Abetting mutiny or attenuation	to seduce an officer, soldier or sailor from his allegiance or duty.	Abetment of mutiny, if mutiny is committed in consequence thereof.	Abetment of an assault by an Officer, soldier or sailor on his superior officer, when in the execution of his office.	Abetment of such assault, if the	ANY CONTROL OF THE PROPERTY OF THE PROPERTY OF
129	130		131		132	133	\$61 56 1	

SCHEDULE II—continued.

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8	By what Court triable.	Presidency Magistrate or Magistrate of the first or second class.	Ditto.	Ditto.	Ditto.	Any Magistrate.
7	Punishment under the Indian Penal Code.	Imprisonment of either description for 2 years, or fine, or both.	Ditto	Fine of 500 rupees	Imprisonment of either description for 6 months, or fine, or both.	Imprisonment of either de- scription for 3 months, or fine of 500 rupees, or both.
9	Whether com- poundable or not.	Not compound- able.	Ditto	Ditto	Ditto	Ditto
10	Whether bailable or not.	Bailable	Ditto	Ditto	Ditto	Ditto
4	Whether a warrant or a summons shall ordinarily issue in the first instance.	Warrant	Ditto	Summons	Warrant	Summons
က	Whether the police may arrest with- out warrant or not.	arrest thout war- it.	Ditto	Shall not arrest without war- rant.	May arrest without war- raut.	Ditto
2	Offence.	Abetment of the desertion of an May officer, soldier or sailor.	Harbouring such an officer, soldier or sailor who has deserted.	Deserter concealed on board mer- chant-vessel, through negligence of master or person in charge thereof.	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in con- sequence.	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.
1	Section.	135	136	187	138	140

CHAPTER VIII. - OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

Being member of an unlawful May arrest Sum assembly.	oining an unlawful assembly Ditto Warrant armed with any deadly weapon.	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto Ditto	Rioting armed with a deadly Ditto Ditto	If an offence be committed by any member of an unlawful assemuly, every other member of such assembly shall be guilty of the offence or offence.	Hiring, engaging or employing Mayarrest with- Accordance persons to take part in an unlaw- out warrant. comful assembly.
Summons			•		According as a warrant or summons may issue for the offence.	ording to offence nmitted by person ed, engag-
Bailable	Ditto	Ditto	Ditto	Ditto	According as the offence is bailable or not.	Ditto
Not com- poundable.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
Imprisonment of either description for 6 months, or fine, or both.	Imprisonment of either description for 2 years, or fine or both.	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	The same as for the offence	The same as for a member of such assembly, and for any offence committed by any member of such assembly.
- Any Magistra	Ditto.	Ditto.	Ditto.	Court of Session Presidency M gristrate or M gristrate of the first class.	By the Court I which the ofence is triable	Ditto.

SCHEDULE II—continued.

CHAPTER VIII.-OFFENCES AGAINST THE PUBLIC TRANQUILLITY-(concluded).

8	By what Court -	Any Magis- trate.	Court of Session, Presidency Magistrate or Magistrate of the first class.	Any Magis- trate.	Ditto.	Presidency Magistrate or Magistrate of the first or second class.
7	Punishment under the Indian Penal Code.	Imprisonment of either de-	Imprisonment of either description for 3 years, or fine, or both.	Imprisonment of either description for 1 year, or fine, or both.	Imprisonment of either deserption for 6 months, or fine, or both.	Fine of 1,000 rupees P
9	Whether compoundable or not.	Not com- poundable.	Ditto	Ditto	Ditto	Ditto
10	Whether bailable or not.	Bailable	Ditto	Ditto		Ditto
4	Whether a warrant or a summons shall ordinarily issue in the first instance.	Summons	Warrant	Ditto	Summons Ditto	Ditto
3	Whether the police may arrest with- out, warrant or not,	May arrest without warrant.	Ditto	Ditto	Ditto	Shall not arrest without war- rant,
8	Offence.	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Assaulting or obstructing public servant when suppressing riot.	Wantonly giving provocation with intent to cause riot, if rioting be committed.	If not committed	Owner or occupier of land not giving information of riot, &c.
1	Section.	151	152	153		154

					Nagis-		of Ses- Presi- Magis-	trate or Magis- trate of the first class.
Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Any trate.		Court sion, dency	trate of trate of first class.
:		er de- hs, or	*1	er de-	r de-		de- fine,	
i i		of either de- 6 months, or		f eith	f eithe		either ears, or	
		ment of for both.	1.	nent c	nent o for 1 n		ent of for 3 y	
Fine	Ditto	Imprisonment of either description for 6 months, or fine, or both.	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	VANTS	Imprisonment of either description for 3 years, or fine, or both.	
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Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	RELAT	Bailable	
			:			OR	174	
Ditto	Ditto	Ditto	Ditto	Warrant	Summons	CHAPTER IXOFFENCES BY OR RELATING TO PUBLIC SERVANTS.	Summons	
		arrest war-	:	1	arrest war-	OFFE		
Ditto	Ditto	May without rant.	Ditto	Ditto	Shall not a without rant.	ER IX.	Shall not arrest without war- rant.	
Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Harbouring persons hired for an unlawful assembly.	Being hired to take part in an unlawful assembly or riot.		1	CHAPT		
se bene riot t lawful	or oc riot is lawful	ns hire	ake pa ly or ric		:		g to be ng a glegal relegal rean office	
or who ehalf a all it.	owner enefit a sig all it.	g perso asseml	d to t assemb	med.	ş affray		pecting nd taki t than pect of	
Person for whose be not using prevent	gent of o whose ben not using prevent it.	farbouring persons unlawful assembly.	being hired to take part unlawful assembly or riot.	Or to go armed	Committing affray		eing or expecting to be a public servant, and taking a gratifica- tion other than legal remunera- tion in respect of an official act.	
155 F	156 A	H 791	158 Be	Ö	ME William Committee of the Committee of	-		
		7	-		160		161	

SCHEDULE II—continued.

CHAPTER IX.-OFFENCES BY OR RELATING TO PUBLIC SERVANTS-(concluded).

	Q1	eo .	4	10	9	7	8
	Offence.	Whether the police may arrest with- out warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	t Whether bailable or not.	poundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
Taking a gratification in corrupt or illegal mea fluence a public servant.	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Shall not arrest without war- rant.	Summons	Bailable	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
Taking a gratific ereise of persona a public servant.	Taking a gratification for the exercise of personal influence with a public servant.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 year, or fine, or both.	Presidency Magristrate or Magristrate of the first class.
Abetment by offences de preceding to himself.	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
Public serva able thin tion, from any proce acted by	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 9 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Public serv tion of the	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 year, or fine, or both.	Ditto.

Court of Session, Presidency Magistrate or Magistrate or	the first class. Presidency Magistrate or Magistrate of the	first class. Ditto.	Any Magistrate.	Ditto.		Any Magistrate.	Ditto.
Imprisonment of either description for 3 years, or fine, or both.	Simple imprisonment for 1 year, or fine, or both.	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if	Imprisonment of either description for 2 years, or fine,	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	SLIC SERVANTS.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.
Ditto	Ditto.	Ditto	Ditto	Ditto	ITY OF PUT	Notcompound- able.	Dieto
Ditto	Ditto	Ditto	Ditto	Ditto	UL AUTHOR	Bailable	Ditto
1	Ditto	Ditto	Warrant	Summons I	THE LAWF	Summons B	:
to Ditto			May arrest Wa without war-	:	NTEMPTS OF	not arrest out war-	Ditto
Public servant framing an incorrect document with intent to cause injury.	Public servant unlawfully engag. Ditto	Public servant unlawfully buying Ditto or bidding for property.	Personating a public servant May vi	Wearing garb or carrying token Ditto used by public servant with fraudulent intent.	CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.		tendance in person, &c., in a Court of Justice.
167 P	168 P		170 P.	171 W		17.2 Al	170

SCHEDULE II—continued. F THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(continued).	Whether a warrant or a summons shall whether bailable poundable or not. Penal Code. Punishment under the Indian By what Court triable. Penal Code. Penal Code. Penal Code. Penal Code. Penal Code.	tmmons Bailable Notcompound. Simple imprisonment for 1 Presidency Mannons Bailable Notcompound. month, or fine of 500 rupees, gistrate or Mannon or both.	Simple imprisonment for 6 Ditto	Oitto Ditto Ditto Simple imprisonment for 1 Any Magistrate. month, or fine of 500 rupees, or both.	Ditto Ditto Simple imprisonment for 6 Ditto. months, or fine of 1,000 rupees, or both.	
IC SE	com- ble	-puno	1	:		
PUBI	6 Vhether pounda or no	Votcomy able.	Ditto	Ditto	Ditto	
inued.			:			
H—cont	5 Whether bails or not.	Bailable	Ditto	Ditto	Ditto	
TEUL!	The second second second second	i i				
SCHED HE LAW	Whether a wor a snamon ordinarily is the first inst	Summons	Ditto	Ditto	Ditto	
SOFT	Rose and other property and the party of	arrest war-				
NTEMPT	3 Whether the police may arrest without warrant or not.	Shall not arrest without war- rant.	Ditto	Ditto	Ditto.	
CHAPTER X.—CONTEMPTS O	Offence.	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	H summons, &c., require attendance in person, &c., in a Court of Justice.	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	If the order require personal attendance, &c., in a Court of Justice.	
	1 Section.	178		174		

Court in which the offence is committed, sub-	ter XXXV, or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second	class. Ditto.	Presidency Magistrate or Magistrate of the first or second class	Ditto.	Ditto.	Ditto.
Simple imprisonment for 1 month, or fine of 500 rupees, or both.		Simple imprisonment for 6 months, or fine of 1 000		Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	:	Imprisonment of either des- cription for 2 years, or fine, or both.
				1	Ditto	-
Ditto		Ditto	Ditto	Ditto	Ditto	Ditto
		•	11.	i	; ;	1
Ditto		Ditto	Ditto	Ditto	Ditto	Ditto
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Ditto		Ditto	Ditto	Ditto	Ditto	Ditto
		1	•			:
Ditto		Ditto	Ditto	Ditto	Ditto	Ditto
Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.		If the document is required to be produced in or delivered to a Court of Justice.	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	If the notice or information required respects the commission of an offence, &c.		If the information required respects the commission of an offence, &c.
			176		177	
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SCHEDULE II—continued.

CHAPTER X.-CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS-(continued).

		Te			of of
8	By what Court triable.	Court in which the offence is committed, subject to the provisions of Chapter XXXV of this Code, or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second	class. Ditto.	Ditto.	Court of Session, Presidency Magistrate of Magistrate of the first class.
7	Punishment under the Indian Penal Code.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Imprisonment of either description for 3 years, or fine, or both.
9	Whether compoundable or not.	Not compound. able.	Ditto	Ditto	Ditto
29	Whether bailable or not.	Bailable	Ditto	Ditto	Ditto
4	Whether a warrant or a summons shall ordinarily issue in the first instance.	Summons	Ditto	Ditto	Warrant
69	Whether the police may arrest without warrant or not.	Shall not arrest without warrant.	Ditto	Ditto	Ditto
23	Offence.	Refusing oath when duly required to take oath by a public servant.	Being legally bound to state truth, and refusing to answer questions.	Refusing to sign a statement made to a public servant when legally required to do so.	Knowingly stating to a public servant on oath as true that which is false.
1	Section.	178	179	180	181

Presidency Magistrate or Magistrate of the	class. Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	
Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto	Imprisonment of either de- cription for I month, or fine		Imprisonment of either description for 3 months, or fine	mprisonment for 1 or fine of 200 rupees,	Simple imprisonment for 6 I months, or fine of 500 rupees, or both.	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	
		:			i +	1.	1	
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
:	1.	!	1	196	: •			
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
	:	:	:			1	Ditto	
Summons	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
	.	1		:	i			
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Resistance to the taking of property by the lawful authority of a public servant.	Obstructing sale of property offered for sale by authority of a public servant.	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Obstructing public servant in discharge of his public functions.	Omission to assist public servant when bound by law to give such assistance.	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	
8	183	181	185	186	187		188	

Ditto.

Imprisonment of either description for 3 years and fine.

Ditto

Ditto

Ditto

Giving or fabricating false evidence Ditto in any other case.

SCHEDULE II—continued.

CHAPTEER X.-CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS-(concluded).

85	By what Court triable.	Presidency Magistrate or Magistrate of the first or second	elass. Ditto.	Ditto.		Court of Session, PresidencyMagistrate or Magistrate of the first class,
1	Punishment under the Indian Penal Code.	Not compound. Imprisonment for 6 months, able, or fine of 1,000 rupees, or both.	Imprisonment of either de- l scription for 2 years, or fine, or both.	Imprisonment of either de- scription for I year, or fine, or both.	LIC JUSTICE,	Not compound. Imprisonment of either de- C able. scription for 7 years and fine.
9	Whether compoundable or not.	Not compound. able.	Ditto	Ditto	GAINST PUI	Not compound- able,
10	Whether bailable or not,	Bailable	Ditto	Ditto	OFFENCES A	Bailable
4	Whether a warrant or a summons shall ordinarily issue in the first instance.	Summons	Ditto	Ditto	IDENCE AND	Warrant
က	Whether the police may arrest without warrant or not.	Shall not arrest without war- rant.	Ditto	Ditto	CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE,	Shall not arrest without war- rant,
2	Offence. *-	If such disobedien ce causes danger to human life, h talth or safety, &c.	Threatening a pu blic servant with injury to him, or one in whom he is interested, to 'induce him to do or forbear to de any official act.	Threatening any person to induce him to refrain from making a legal application for protection from injury.	CHAPTER 2	Giving or fabric ating false evidence in a judicial proceeding.
, 1	Section.		189	190		193

- Court of Session.	Ditto.	Ditto.	Court of Session, Presidency Magistrate or Magistrate of the	Ditto.	Ditto.	Ditto.	itto.	
Transportation for life, orrigor- Court of Session.	Death, or as above	The same as for the offence	The same as for giving or fabricating false evidence,	The same as for giving false evidence.	Ditto.		Ditto.	
	De				Ditto	Ditto	Ditto	
,			•		ŧ	i	1	
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
ıble	i		as ce of such is			1	7	
Not bailable Ditto	Ditto	Ditto	According as the offence of giving such evidence is bailable or not	Baila ble	Ditto	Ditto	Ditto	
	:		i	:			1	
Ditto	Ditto	Ditto	Ditto	Ditto -	Ditto	Ditto	Ditto	
•		1	1			1		
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	If innocent person be thereby convicted and executed,	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment for more than seven years.	Using in a judicial proceeding evidence known to be false or fabricated,	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Using as a true certificate one known to be false in a material point.	False statement made in any declaration which is by law received as evidence.	Using as true any such declaration I known to be false.	
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SCHEDULE II—continued.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(continued).

8 By what Court triable.	Court of Session.	Court of Session, Presidency Magistrate or Magistrate of the first class.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is tri- able.	Presidency Magistrate or Magistrate of the first or second class.
7 Punishment under the Indian Penal Code.	Imprisonment of either description for 7 years and fine.	Imprisonment of either description for 3 years and fine.	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Imprisonment of either description for 6 months, or fine, or both.
6 Whether compoundable or not.	Not compound- able.	Ditto	Ditto	Ditto
5 Whether bailable or not.	Bailable	Ditto	Ditto	Ditto
Whether a warrant or a summons shall ordinarily issue in the first instance.	Warrant	Ditto	Ditto	Summons
Whether the police may arrest without warrant or not.	Shall not arrest without war- rant.	Ditto	Difto	Ditto
9. Offence.	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence,	If punishable with transportation or imprisonment for ten years.	If punishable with less than 10 Ditto years' imprisonment.	Intentional omission to give information of an offence by a person legally bound to inform.
1 Section.	201			203

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	- Ditto.	Presidency Ma-	0 7	grstrate of the first class. Presidency Maggistrate or Maggistrate of the	first or second class. Ditto.	Presidency Ma- gistrate or Ma- gistrate of the	nrse class. Ditto.
	Imprisonment of either de- Ditto.	oth.	Imprisonment of either description for 3 years, or fine, or both.	Imprisonment of either description for 2 years, or fiue, or both.			Imprisonment of either description for 2 years and fine.
	Impr	or both.		-	Ditto	Ditto	Imprison
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	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
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	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
				i i	1		
	Warrant	Ditto	Ditto	··· Ditto	Ditto	Ditto	Ditto
	I	į	1 . 4	101			
	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
	ing an offence committed.	Secreting or destroying any document to prevent its production as evidence.	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	CALL CONTRACTOR OF THE PARTY OF	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	False claim in a Court of Justice
0110	90×	204	205	206	207	808	209

SCHEDULE II—continued.

CHAPTER XI.-FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE-(continued).

8	By what Court triable.	Presidency Magristrateor Magistrate of the first class,	Ditto.	Court of Session.	Court of Session, Presidency Magistrate or Magistrate of the first class.	Court of Session, Presidency Magistrate or Magistrate of the first class.
4	Punishment under the Indian Penal Code.	Imprisonment of either description for 2 years, or fine, or both.	Ditto	Imprisonment of either description for 7 years and fine.	Imprisonment of either description for 5 years and fine.	Imprisonment of either descriptionfor 3 years and fine.
9	Whether compoundable or not.	Not compound- able.	Ditto	Ditto	Ditto	Ditto
. 2	Whether bailable or not.	Bailable	Ditto	Ditto	Ditto	Ditto
7	Whether a warrant or a summous shall ordinarily issue in the first instance.	Warrant	Ditto	Ditto	Ditto	Ditto
တ	Whether the police may arrest with- out warrant or not.	Shall not arrest without war- rant,	Ditto	Ditto	May arrest with- out warrant.	Ditto
87	Offence.	Fradulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	False charge of offence made with intent to injure.	If offence charged be capital, or punishable with transportation for life, or imprisonment for a term exceeding 7 years.	Harbouring an offender, if the May arrest with. Ditto offence be capita	If punishable with transportation for life, or with imprisonment for 10 years.
1	Section.	210	211		213	

Magistrate or Magistrate of the first class, or by the Court by which the	. 0	Court of Session, Presidency Ma-	gistrate or Maggistrate of the first class. By a Presidency Magistrate or Magistrate of the first class,	or by the Court by which the offence is tri- able. Court of Session.	Court of Session, Presiency Ma-	gistrate of the first class.
Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Imprisonment of either des- cription for 7 years and fine.	Imprisonment of either des- cription for 3 years and fine.	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Imprisonment of either description for 7 years and fine.	Imprisonment of either des- cription for 3 years and fine.	
9) :			•	:		
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
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Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
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Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
	Shall not arrest without war- rant.	Ditto	Ditto	Ditto	Ditto	
If punishable with imprisonment for I year and not for 10 years.	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	If punishable with transportation for life or with imprisonment for 10 years.	If with imprisonment for less than I 10 years.	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	If punishable with transportation I for life, or with imprisonment for 10 years.	
	213.			214		

SCHEDULE II—continued.

CHAPTER XI.-FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE-(continued).

	2	က	4	10	9	4	α
AND DESCRIPTION OF THE PARTY OF	Offence.	Whether the police may arrest with- out warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
	If with imprisonment for less than 10 years.	Shall not arrest without war- rant,	Warrant	Bailable	Not compound- able.	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is tri- able.
CONTRACTOR OF STREET,	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either des- eription for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest with. Ditto out warrant.		Ditto	Ditto	Imprisonment of either des- cription for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either des- cription for 3 years and fine.	Ditto.

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By a Presidency Magistrate of Magistrate of the first class, or by the Court	by which the offence is triable. Presidency Magistrate or	first or second class.	Ditto.	Ditto,	Ditto.	
Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Imprisonment of either des- cription for 2 years, or fine, or both.	Imprisonment of either des- cription for 3 years, or fine, or both.	Imprisonment of either des- cription for 7 years, or fine, or beth.	Ditto D	Imprisonment of either des. Di cription for 7 years, with or without fine.	
Ditto	Ditto	Ditto .	Ditto	Ditto	Ditto	
		1	•	1		
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
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Ditto	Summons	··· Warrant	Ditto	Ditto	Ditto	
	arrest war-	·	1			
Ditto	Shall not arrest without war- rant.	Ditto	Ditto	Ditto	Ditto	
If with imprisonment for 1 year, Ditto and not for 10 years.	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Public servant in a judicial proceeding making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	
	217	218	219	220	1221	

SCHEDULE II—continued.

CHAPTER XI.-FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE-(continued).

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1	2	တ	4	9	9		8
Section.	Offence,	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without war- rant.	Warrant	Bailable	Not compound- able.	Not compound. Imprisonment of either desable. without fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either des- cription for 2 years, with or without fine.	Presidency Magistrate or Magistrate of the first or second class.
22.22	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto	Ditto	Not bailable	Ditto	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session,
	If under sentence of transporta- tion for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either des- cription for 7 years, with or without fine.	Dirto.

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Court of Session, Presidency Magistrate	or Magistrate of the first class.	Presidency Magistrate or Magistrate of the	class. Ditto.	Ditto.	Court of Ses. sion, Presiden- cy Magistrate or Magistrate	of the first class.	sion. Ditto,	
Imprisonment of either description for 3 years, or fine, or both.	•	Simple imprisonment for 2 years, or fine, or both.	H	or both. Ditto	Imprisonment of either description for 3 years and fine.	- de-	Scription for 7 years, or fine. Ditto D	
				•	1		:	
Ditto		Ditto	Ditto	Ditto	Ditto	Ditto	Dito	
i			i	:	Je	:	Dito	
Bailable		Ditto	Ditto	Ditto	Not bailable	itto	Ditto	
:		i	: :	:		Ditto	<u> </u>	
Ditto		Summons	Warrant	Ditto	Ditto		Ditto	
		:	arrest war-	1	:	Ditto	A ::	-1
- Ditto		Ditto	May without rant.	Ditto	Ditto	Ditto	Ditto	
If under sentence of imprison- Ditto ment for less than 10 years.		Escape from confinement negligently suffered by a public servant.	Resistance or obstruction by a person to his lawful apprehension.	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	If charged with a capital offence	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for 10 years or upwards.	
		22	224	225				

SCHEDULE II-continued.

CHAPTER XI.-FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE-(coneduded).

1	2	3	4	10	g	. 1.2	8
Section,	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarly issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
	If under sentence of death	May arrest with- Warrant out warrant.	Warrant	Not bailable	Not compound- able.	Not compound. Transportation for life, or im- able. prisonment of either de- scription for 10 years and fine.	Court of Session.
225A	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto	Ditto	Bailable	Ditto	Imprisonment of either description for one year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
226	Unlawful return from transport- Ditto		Ditto	Not bailable Ditto	Ditto	Transportation for life, and fine and rigorous imprison- ment for 3 years before	Court of Session.
227	Violation of condition of remission of punishment.	Shall not arrest without war- rant.	Summons	Ditto	Ditto	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	By the Court by which the ori- ginal offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto	Ditto	Bailable	Ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	for 6 Courtin which the 1,000 offence is committed, subject to the provisions contained in Chapter XXXV of this Code.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

282 Counterfeiting or performing any without was rank. 282 Counterfeiting or performing any without was rank. 283 Making, the process of counterfeit. 283 Making, buying or selling instru- mant for the purpose of counterfeiting coin. 284 Making, buying or selling instru- mant for the purpose of counterfeiting coin. 285 Possession of instrument or maker- in for the purpose of using the same for conterfeiting coin. 286 Making, buying or selling instru- mant for the purpose of counterfeiting coin. 287 Making, buying or selling instru- mant for the purpose of cointerfeiting coin. 288 Making, buying or selling instru- mant for the purpose of cointerfeiting coin. 289 Making, buying or selling instru- mant for the purpose of cointerfeiting coin. 280 Making, buying or selling instru- mant for the purpose of cointerfeiting coin. 280 Making, buying or selling instru- mant for the purpose of cointerfeiting coin. 280 Making, buying or selling instru- mant for the purpose of cointerfeiting coin. 280 Making, buying or selling instru- mant for the purpose of cointerfeiting coin. 280 Making, buying or selling instru- mant for the purpose of cointerfeiting the Queen's coin. 280 Making, buying or selling instru- mant for the purpose of cointerfeiting coin. 280 Ditto	Court of Session.	Ditto.	Court of Session, Presidency Magistrate or Magistrate of the first class.	Court of Session.	Court of Session, Presidency Magistrate or Magistrate of the first class.	Court of Session.
Counterfeiting, or performing any without war- ing, coin. Counterfeiting, or performing any part of the process of counterfeit. Counterfeiting, or performing any part of the process of counterfeit. Making, buying or selling instrument or the purpose of counterfeiting coin. Making, buying or selling instrument or material for the purpose of counterfeiting coin. Possession of instrument or material for the purpose of using the Same for counterfeiting coin. Ditto	Imprisonment of either description for 7 years and fine.	The same of the sa	Imprisonment of either description for 3 years and fine.		The second secon	
Counterfeiting, or performing any without war- ing, coin. Counterfeiting, or performing any part of the process of counterfeit. Counterfeiting, or performing any part of the process of counterfeit. Making, buying or selling instrument or the purpose of counterfeiting coin. Making, buying or selling instrument or material for the purpose of counterfeiting coin. Possession of instrument or material for the purpose of using the Same for counterfeiting coin. Ditto	t compound-		tto	on	07:	01
Counterfeiting, or performing any uithout warning, soin. Counterfeiting, or performing any part of the process of counterfeit. Counterfeiting, or performing any part of the process of counterfeit. Making, buying or selling instrument for the purpose of counterfeiting coin. Making, buying or selling instrument for the purpose of counterfeiting coin. Possession of instrument or materatery possession of instrument or materatery coin. Ditto .	No	Di.	. Dit	. Dii	. Dit	. Dit
Counterfeiting, or performing any part of the process of counterfeit. Counterfeiting, or performing any part of the process of counterfeit. Making, buying or selling instrument for the purpose of counterfeiting coin. Making, buying or selling instrument for the purpose of counterfeiting coin. Making, buying or selling instrument or materiating the Queen's coin. Possession of instrument or material for the purpose of counterfeiting the Queen's coin. Possession of instrument or material for the purpose of using the same for counterfeiting coin. If Queen's coin Ditto Ditto Ditto	lable					
Counterfeiting, or performing any part of the process of counterfeit, without warning, coin. Counterfeiting, or performing any part of the process of counterfeit. Making, buying or selling instrument for the purpose of counterfeiting coin. Making, buying or selling instrument for the purpose of counterfeiting coin. Possession of instrument or material for the purpose of counterfeiting the Queen's coin. Possession of instrument or material for the purpose of using the same for counterfeiting coin. If Queen's coin Ditto	Not bai	Ditto	Ditto	Ditto	Ditto	Ditto
Counterfeiting, or performing any part of the process of counterfeiting, coin. Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin. Making, buying or selling instrument for the purpose of counterfeiting coin. Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin. Possession of instrument or material for the purpose of using the same for counterfeiting coin.	:				1	i
Counterfeiting, or performing any part of the process of counterfeiting, coin. Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin. Making, buying or selling instrument for the purpose of counterfeiting coin. Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin. Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Warrant	Ditto	Ditto	Ditto	Ditto	Ditto
Counterfeiting, or performing any part of the process of counterfeiting, coin. Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin. Making, buying or selling instrument for the purpose of counterfeiting coin. Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin. Possession of instrument or material for the purpose of using the same for counterfeiting coin.	rest war-	1		:	•	
Counterfeiting, or performing a part of the process of counterfing, coin. Counterfeiting, or performing a part of the process of counterfing, the Queen's coin. Making, buying or selling instanct for the purpose of conterfeiting coin. Making, buying or selling instanct for the purpose of conterfeiting the Queen's coin. Possession of instrument or matial for the purpose of using same for counterfeiting coin. If Queen's coin	May a r without rant.	Ditto	Ditto	Ditto	Ditto	Ditto
23.2 23.3 23.3 25.5 25.5	Counterfeiting, or performing any part of the process of counterfeiting, coin.	Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.	Making, buying or selling instrument for the purpose of counterfeiting coin.		Possession of instrument or material for the purpose of using the same for counterfeiting coin.	1.1
	231	232	233	234	64 65 70	

SCHEDULE II—continued.

CHAPTER XII.-OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS-(continued).

1	83	ന	4	20	9	4	8
ection.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
236	Abetting in India the counterfeit- ing out of British India of coin.	May arrest without war- rant.	Warrant	Not bailable	Not compound- able.	Not compound. The punishment provided for able. abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	Ditto	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
539	Having any counterfeit coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
240	The same with respect to the Queen's coin.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years and fine.	Ditto.

Presidency Magistrate or Magistrate of the first or second class.	Court of Session, Presidency Magistrate or Magistrate of the	Ditto.	Court of Session.	Ditto.	Court of Session, Presidency Magistrate or Magistrate of the first class.	Ditto.	Ditto.
Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Imprisonment of either description for 3 years and fine.	Imprisonment of either description for 7 years and fine.	Ditto	Ditto	Imprisonment of either description for 3 years and fine.	Imprisonment of either description for 7 years and fine.	Imprisonment of either description for 3 years and fine.
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Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Persons employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Unlawfully taking from a Mint any coining instrument.	Fraudulently diminishing the weight or altering the composition of any coin.	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Altering appearance of any coin with intent that it shall pass as a coin of a different description.
241	242	243	244	215	246	247	248

SCHEDULE II—continued.

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	2 0	By what Court triable.	Court of Session, Presidency Magistrate or Magistrate of the first class.	Ditto.	Ditto.	Ditto.	Ditto.	Presidency Magistrate or Magistrate of the first or second class.
	7 Punishment under the Indian Penal Code.		Not compound. Imprisonment of either description for 7 years and fine.	Imprisonment of either description for 5 years and fine.	Imprisonment of either description for 10 years and fine.	Imprisonment of either description for 3 years and fine.	Imprisonment of either description for 5 years and fine.	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.
	6 Whether compoundable or not.		Not compound- able.	Ditto	Ditto	Ditto	Ditto	Ditto
	5	Whether bailable or not.	Not bailable	Ditto	Ditto	Ditto	Ditto	Ditto
	4	Whether a warrant or a summons shall ordinarily issue in the first instance.	Warrant	Ditto	Ditto	Ditto	Ditto	Ditte
or o	က	Whether the police may arrest without warrant or not.	May arrest with-	Ditto	Ditte	Ditto	Ditto	Diffto
CHAIR AND THE WAY OF THE PARTY	6	Offence.	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	Delivery to another of coin possessed with the knowledge that it is altered.	Delivry of Queen's coin possessed with the knowledge that it is altered.	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.
	1	ection.	249	250	251	252	9.53	254

Court of Session.	Ditto.	Ditto.	Ditto.	Court of Session, Presidency Ma-	gistrate or Magistrate of the first class.	Ditto.		Presidency Ma- gistrate or Ma- gistrate of the	first or second class. Court of Session, Presidency Magistrate or Magistrate of the first class.	
Imprisonment of either de- Court of Session.	Imprisonment of either description for 7 years.				Imprisonment of either description for 7 years, or fine	or both. Imprisonment of either description for 3 years, or fine, or both.		Imprisonment of either description for 2 years, or fine, or both.	ment of either de- n for 3 years, or fine,	
Imprise	Impris	Ditto	Ditto	Ditto	Impriso	or both. Imprison scription or both.		Imprisonn scription or both.	Imprison scriptio or both.	
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Bailable	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto		Ditto	Ditto	
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Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto		Ditto	Ditto	
255 Counterfeiting a Government stamp.	SOUTH AND THE CHARLES AND	Making, buying or selling instru- ment for the purpose of counter- feiting a Government stamp.	Sale of counterfeit Government Ditto	Having possession of a counterfeit Government stamp.	Using as genuine a Government stamp known to be counterfeit.	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with in-	10000	Using a Government stamp known to have been before used.	Erasure of mark denoting that stamp has been used.	
25	256	257	258	259	260	261		393 393	263	

SCHEDULE II-continued.

CHAPTER XIII, -OFFENCES RELATING TO WEIGHTS AND MEASURES.

	8	By what Court triable.	Presidency Ma- gistrate or Ma- gistrate of the first or second class.	Ditto.	Ditto.	Ditto.	TORALS.	Presidency Magistrate or Magistrate of the
	4	Punishment under the Indian Penal Code.	Imprisonment of either description for I year, or fine, or both.	Ditto	Ditto	Ditto	IENCE, DECENCY AND A	Imprisonment of either de-
	9	Whether compoundable or not.	Not compound- able.	Ditto	Didto	Ditto	IY, CONVEN	Not compound. able.
	5	Whether bailable or not.	Bailable	Ditto	Ditto	Ditto	ALTH, SAFET	Bailable
	4	Whether a warrant or a summons shall ordinarily issue in the first instance.	Summons	Ditto	Ditto	Ditto	E PUBLIC HE	Summons
	3	Whether the police may arrest without warrant or not.	Shall not arrest without war- raut.		Ditto	Ditto	FFECTING THE	May arrest without war- rant.
	2	Offence.	Fraudulent use of false instrument for weighing.	Fraudulent use of false weight or Ditto measure.	Being in possession of false weights or measures for fraudulent use.	Making or selling false weights or measures for fraudulent use.	CHAPTER XIVOFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.
1	1	Section.	264	265	266	267	CI	269

	e. Ditto.	Ditto.	. Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Any Magistrate.	Ditto.
	Imprisonment of either description for 2 years, or fine,	or both. Imprisonment of either description for 6 months, or	fine, or both. Imprisonment of either deserbtion for 6 months or	fine of 1,000 rupees, or both.		1	•	Imprisonment of either de-	fine of 500 rupees, or both. Fine of 500 rupees
	Impris	or both Imprisonus seription	Н	fine o	Ditto	Ditto	Ditto	Imprison	fine of 5
1			:		:	:	· i	i.	
	. Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
	<u>.</u>			:	:	1		- i 1	
	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
			:	•			i.	1	1
	· Ditto	Ditto	Ditto	Ditto	Ditto *	Ditto	Ditto	Ditto	Ditto
	Ditto	Shall not arrest without war- rant.	Ditto	Ditto	Ditto	Ditto	Ditto	Iay arrest with- out warrant.	Shall not arrest without war- rant.
Malignantly doing any agt 1-	to be likely t spread infection of any disease dangerous to life.	Knowingly disobeying any quarantine rule.	Adulterating food or drink for man, intended for sale, so as to make the same noxious.	Selling any food or drink as food and drink for man knowing the same to be noxious.	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Defiling the water of a public Mayarrestwith. Ditto	Making atmosphere noxious to S health.
270		271	272	273	274	275	276	277	278

SCHEDULE II—continued.

CHAPTER XIV. - OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS-(continued).

1 Section.	Offence.	Whether the police may arrest with- out warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether com- poundable or not.	7 . Punishment under the Indian Penal Code.	By what Court triable.
613	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest with- out warrant.	Summons	Bailable	Not compound- able.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto	Ditto	Disto	Ditto	Ditto	Presidency Magistrate or Magistrate of the first or second class.
281	Exhibition of a false light, mark or buoy.	Ditto	Warrant	Ditto	Ditto	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto	Summons	Ditto	Ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the lifest or second
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto	Ditto	Ditto	Ditto	Fine of 200 rupees	class. Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest Ditto without war-rant.		Ditto	Ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.

Any Magistrate	0	Ditto.	Presidency Ma- gistrate or Ma-	gistrate of the first or second class.	Ditto.	Any Magistrate,	Ditto,	Presidency Ma- gistrate or Ma-	gistrate of the first or second class.	
		i	1		1	:		6 P		A STATE OF THE PARTY OF THE PAR
								for	, do.	S, 01
		:	•				, m	ent or bo	eithe	3 months, or
							rupee	isonn fine,	Jo :	89
							200	impr s, or	ment	n for both,
Ditto	7		Ditto		Ditto	Ditto	Fine of 200 rupees	Simple imprisonment for months, or fine, or both,	Imprisonment of either do.	scription for fine, or both.
3			i		i	Ditto	:			sc fir
07,	0)		0,					.	1	
Ditto	Ditto		Ditto			Ditto	Ditto	Ditto	Ditto	
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Ditto	Ditto		Ditto	Ditth		itto	itto	itto	og:	
	,:		1			Ditto	Ditto	Ditto	Ditto	
May arrest with- Ditto out warrant,	Ditto		Ditto	itto		itto	to	9	Warrant	
t ë	i		- III-	Ditto		-q	Dit	Dit	War	
lay arrest wit out warrant,		Shall not arread	of war-			lay arrest with out warrant.	Shall not arrest Ditto without war-	with.	1	
ay arr	Ditto	all no	without rant.	to		arres t war	l not hout	fay arrest with	7	
DIPERSON NOT COME	- P	50		b Ditto		May ou	Shall n witho	May arrest with out warrant.	Ditto	
ealing with fire or any com- bustible matter so as to endanger human life, &c.	plosiv	ery.		person omitting to guard against probable danger to human ite	by the fall of any building over which he has a right entitling him to pull it down or repair it.	ake order ossession, danger grievous	1: -	ė.	The second second second second second second	
to en	у ех	achin		ard a	dilding t ent	take posses st da	sance	after	s, &c.	
re or so as	h an	ny u		to gu	ny bu	t to n his ngains or of nimal	ic nui	ance inue,	book	
th finatten	wit	vith a		tting	of a has a lit d	itting mal i ard a life, uch a	lqnd.	nnis	scene	
aling with fire bustible matter human life, &c.	· dealing substance,	ling ,		n omi	e fall be o pul	o gunan	ing a	nce of	of ob	
Dealin bust hum	So dealing with any explosive substance.	So dealing with any machinery,		A person omitting to guard against probable danger to human E.	by the fall of any building over which he has a right entitling him to pull it down or repair it.	A person omitting to take order May arrest with- Ditto with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	Committing a public nuisance	Continuance of nuisance after in- junction to discontinue,	Sale, &c., of obscene books, &c	
285 Dealing with fire or any com- bustible matter so as to endanger human life, &c.	8 988					The second secon	The second secon	Con	Sale,	
24	8	287		288		888	290	291	292	

Causing a disturbance to an assembly engaged in religious worship.

SCHEDULE II—continued.

CHAPTER XIV.-OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS-(concluded).

1	6	6	4	20	9	7	· &
Seption.	Offence,	Whether the police may arrest with- out warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not,	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
293	Having in possession obscene book, May arrest &c., for sale or exhibition.		with- Warrant	Bailable	Not compound-] able.	Imprisonment of either description for 3 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
294	Obseene songs	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
295A		Shall not arrest without war-	Summons	Ditto	Ditto	Imprisonment of either description for 6 months, or	of either de- Any Magistrate.
	Publishing proposals relating to lotteries.	rant. Ditto	Ditto	Ditto	Ditto	rupees	Ditto.
		CHAPTER X	V.—OFFENCES	CHAPTER XVOFFENCES RELATING TO RELIGION.	O RELIGION		
295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest with- out warrant.	Summons	Bailable	Not compound- able.	Not compound- Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
968	Causing a disturbance to an assembly engaged in religious worship.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine, or both,	Ditto.

Ditto.	Ditto.			Court of Session,	Ditto.	2000 A DE LO PROJECTO	Ditto.	Court of Session,	Presidency Ma- gistrate or Ma- gistrate of the
				tion for life	". ". for life, or	either de-		AMERICAN STREET, STREE	two years, or
Ditto	Ditto	ODY.	Dontly L	cole. and fine.	Peath	imprisonment of either description for 10 years and fine	Imprisonment of either description for 10 years, or fine,	or both. Imprisonment of either de-	fine, or both.
•	•	AN B	-puno		: :		· · ·	I	
Ditto	Ditto	E HUM	(1) (1) (1) (1) (1) (1) (1) (1) (1)	The state of the s			Ditto	Ditto	
		G TH	ble		:		•	1	
Ditto	Ditto	ENCES AFFECTING	Not bailable	Ditto	Ditto		Ditto	Bailable	
į		ES AI	:	1	1.			<u>"</u>	
Ditto	Ditto	OFFENC	Warrant	Ditto	Ditto		Ditto	Ditto	
Ditto	Shall not arrest without war- rant.	CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.	May arrest with- Warrant	warian	!		1		
		CHAI	Ma	О	nting Ditto	With &c.	e that Ditto	egli- Ditto	
Trespassing in place of worship or sepulchre, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight, of any person, with intention to wound his religious feeling.		Murder	Murder by a person under sentence of transportation for life	Culpable homicide not amounting to murder, if act by which the death is smood	intention of causing death, &c.	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Causing death by rash or negligent act.	
000	868		808	303	304 C		THE LABORATION OF THE PARTY OF	304A C	

SCHEDULE II—continued.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(continued).

Offences against Life-(concluded).

			and manually				
1	2	8	4	10	9	7	8
Section,	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether com- poundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	May arrestwith- Warrant out warrant.		Not bailable	Not compound- able.	Death, or transportation for life, or imprisonment for 10 years and fine.	Court of Session.
306	306 Abetting the commission of suicide. Ditto		Ditte	Ditto	Ditto	Imprisonment of either de-	Ditto.
307	Attempt to murder	Ditto	Ditto	Ditto	Ditto	Scription for 10 years and fine.	Ditto.
	If such act causehurt to any person.	Ditto	Ditto	Ditto	Ditto	Transportation for life, or as above.	Ditto.
308	Attempt to commit culpable homicide.	Ditto	Ditto	Bailable	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, or fine,	Ditto.
808	Attempt to commit suicide	Ditto	Ditte	Ditto	Ditto	Simple imprisonment for one year and fine.	Presidency Magistrate or Magistrate of the first or second class.
311	311 Being a thug	Ditto	Ditto	Not bailable Ditto		Transportation for life and fine. Court of Session.	Court of Session.

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Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births

1							one conceanment of Detents.	•
312	Causing miscarriage	Shall not arrest without war- rant.	Warrant	Bailable	. Not compound. able.	pun	Imprisonment of either description for 3 years, or fine, or both.	Court of Session
	If the woman be quick with child	Ditto	Ditto	Ditto	Ditto		Imprisonment of either description for 7 years and fine.	Ditto.
313	Causing miscarriage without wo-man's consent.	Ditto	Ditto	Not bailable	. Ditto		Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto	Ditto	Ditto	. Ditto		Imprisonment of either description for 10 years and fine.	Ditto.
	If act done without woman's consent,	Ditto	Ditto	Ditto	Ditto	•	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto	Ditto	Ditto	Ditto		Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto	Ditto	Ditto	Ditto		Imprisonment of either description for 10 years and fine.	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it, with intention of wholly abandoning it.	May arrest with- out warrant.	Ditto	Bailable	Ditto		Imprisonment of either description for 7 years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body.	Ditto	Ditto	Ditto	Ditto	<u> </u>	Imprisonment of either description for 2 years, or fine, or both.	Court of Session Presidency Ma gistrate or Ma gristrate of th first or secon
								Cidab.

SCHEDULE II—continued.

CHAPTER XVI.-OFFENCES AFFECTING THE HUMAN BODY-(continued).

of Hurt.

8	By what Court triable.	Any Magistrate.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.	Ditto.	Court of Session, Presidency Magistrate or Magistrate of the first class.	Court of Session.
4	Punishment under the Indian Penal Code.	Imprisonment of either description for I year, or fine of 1,000 rupees, or both.	Compoundable Imprisonment of either de- when permis- sion is given by the Court before which	Not compound- Imprisonment of either de- able. scription for 7 years and fine.	Transportation for life, or im- prisonment of either de- scription for 10 years and fine. gistrate of the first class.	Imprisonment of either de- scription for 10 years and fine.
9	Whether compoundable or not.	Compoundable	Compoundable I when permission is given by the Court before which a prosecution	ns pending. Not compound- able.	Ditto	Ditto
ro.	Whether bailable or not.	Bailable	Ditto	Ditto	Not bailable	Ditto
\$ 7	Whether a warrant or a summons shall ordinarily issue in the first instance.	Summons		Ditto	Ditto	Warrant
8	Whether the police may arrest without warrant or not.	Shall not arrest without war- rant.	May arrest with- Ditto out warrant.	Ditto	Ditto	Ditto
6	Offence.	Voluntarily causing hurt,	Voluntarily causing hurt by dangerous weapons or means.	Voluntarily causing grievous hurt,	Voluntarily causing grievous hurt by dangerous weapons or means.	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.
1	Section.	83.53	324	325	826	227

Ditto.	Court of Session.	Ditto,	Ditto.	Court of Session, Presidency Magistrate or Magistrate of the first class,	Court of Session,	Any Magistrate.
Ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	Imprisonment of either description for 7 years and fine.	Imprisonment of either des -cription for 10 years and fine.	Imprisonment of either description for 3 years, or fine, or both.	Imprisonment of either description for 10 years and fine.	Imprisonment of either description for I month, or fine of 500 rupees, or both.
<u> </u>	; ;	In s		II.	In	H
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Compoundable
	•	!	ble	:		i
Ditto	Ditto	Bailable	Not bailable	Bailable .	Not bailable	Bailable
:	:		:		. : .	1
Ditto	Ditto	Ditto	Difto	Ditto	Ditto	Summons
			: !-	£	i	
drug Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Skall not arrest without war- rant.
Administering stupefying with intent to cause hurt.	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Voluntarily causing hurt to deter public servant from his duty.	Voluntarily causing grievous hurt to deter public servant from his duty.	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.
328	889	330	331	832	883	884

SCHEDULE II—continued.

CHAPTER XVI.-OFFENCES AFFECTING THE HUMAN BODY-(continued).

Of Hurt-(concluded).

-	6	8		9	9		
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether com- poundable or not.	Punishment under the Indian Penal Gode,	By what Court triable.
885	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest with. Summons out warrant.	: ***	Bailable	Control of the Contro	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
386	Doing any act which endangers human life or the personal safety of others.	Ditto	Ditto	Ditto	is pending. Not compound- able.	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which en- dangers human life, &c.	Ditto	Ditto	Ditto	Compoundable.	Compoundable. Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	class. Ditto.
		of w	Of wrongful Restraint and wrongful Confinement.	and wrongful Con	finement.		
341	341 Wrongfully restraining any person. Mayarrest with. Summons out warrant.	. Mayarrest with out warrant.	suommons	Bailable	Compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate
				The state of the s			

Presidency Magistrate or Magistrate of the first or second	class. Ditto.	Court of Session,	gristrate or Ma- gristrate of the first or second class.	Ditto.	tto.	Ditto.	Court of Session, Presidency Magistrate or Magistrate of the first class.
Imprisonment of either des- reciption for I year, or fine of 1,000 rupees, or both.	Not compound- Imprisonment of either de- D scription for 2 years, or fine, or both.	nent of either de-		Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	litto Ditto.	Imprisonment of either description for 3 years and fine.	
Ditto	Not compound- able.	Ditto		i	Ditto Ditto		itto Ditto
	i	i		Ditta	7	Ditto	Ditto
Ditto	Ditto	Ditto		Ditto	Ditto	Ditto	Ditto
	1				•	. !	
Ditto	Ditto	Ditto		Ditto	Ditto	Ditto	Ditto
Ditto	Ditto	Ditto		Shall not arrest without war- rant.	May arrest with- out warrant.	Ditto	Ditto
Wrongfully confining any person.	Wrongfully confining for three or more days.	Wrongfully confining for ten or more days.		Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Wrongful confinement in secret May arrest with- Ditto	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.
342	843	344		345	346	847	848

SCHEDULE II-continued. CHAPTER XVI.-OFFENCES AFFECTING THE HUMAN BODY-(continued).

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8	By what Court triable.	Any Magistrate.	Presidency Magistrate or Magistrate of the first or second class.	Ditto.	Ditto.	Any Magistrate.	Ditto.
7 P	Penal Code.	Compoundable. Imprisonment of either de- Any Magistrate. scription for 3 months, or fine of 500 rupees, or both.	Not compound Imprisonment of either description for 2 years, or fine, or both.	1	ı	•	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.
6 Whether com.		npoundable. Im	compound Impacts score	40 Ditto	"o Ditto	'40 Ditto	
5 Whether bailable W		Bailable Con		Ditto Ditto	Ditto Ditto	Not bailable Diffte	Bailable Ditto
4 Whether a warrant		Summons	Warrant Ditto	Ditto Ditto	Summons Ditto		1.
3 Whether the police	may arrest with- out warrant or not.	Shall not arrest without war- rant,	May arrest with- out warrant.	Ditto	Shall not arrest without warrant.	Mayarrest with- Warrant out warrant.	Ditto Ditto
8	Ollence,	Assault or use of criminal force otherwise than on grave provocation.	Assault or use of criminal force to deter a public servant from discharge of his duty.	Assault or use of criminal force to a woman with intent to outrage her modesty.	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Assault or criminal force in attempt to commit thelt of property worn or carried by a person.	Assault or use of criminal force in attempt wrongfully to confine a person,
1	Section.	852	858	854	355	356	857

Shall not arrest Summons Ditto Compoundable. Simple imprisonment for 1 Ditto. Of Kidnapping, Foreible Abduction, Statery and forced Labour. May arrest with. Warrant Not bailable Not compound. Imprisonment of either description for T years and fine. Gistrate or Magistrate or Mag	Ditto II	Ditto Imprisonment of either description for 10 years and fine.	Ditto Ditto Ditto.	Ditto Punichment &	
s le	Ditto	i	Ditto		- I
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s le	12	çto .	. 03	. 0	
Kidnapping Kidnapping Kidnapping Test with- Test w	tto Ditto	sto Ditto	to Ditto	o Ditto	o Ditto
Shall rant, Of May arr out w	Ditto Ditto	tto Ditto	to Ditto	lo Ditto	o Ditto
	tent secretly and wrongfully to confine a person.	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Kiduapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Concealing or keeping in confine- ment a kidnapped person.	Kidnapping or abducting a child bitto with intent to take property from the person of such child.
364		366 K	367 K	89g 5m 1	369 K

SCHEDULE II—continued.

CHAPTER XVI. - OFFENCES AFFECTING THE HUMAN BODY - (concluded).

Of Kidnapping, Forcible Abduction, Stavery and forced Labour-(concluded).

8	By what Court triable.	Court of Session.	Ditto.	Court of Session, Presidency Magistrate or Magistrate of the	first class. Ditto.	Any Magistrate.		Court of Session.
7	Punishment under the Indian Penal Code.	Imprisonment of either de- scription for 7 years and fine.	Transportation for life, or imprisonment of either description for 10 years and fine.	Imprisonment of either descrip- tion for 10 years and fine.	Ditto	Compoundable. Imprisonment of either description for 1 year, or fine, or both.		Not compound- Transportation for life, or imable. prisonment of either description for 10 years and fine.
9	Whether compoundable or not.	Not compound- able.	Ditto	Ditto	Ditto	Compoundable		Not compound- able.
10	Whether bailable or not.	Bailable	Not bailable	Ditto	Ditto	Bailable	Of Rape.	Not bailable
4	Whether a warrant or a summons shall ordinarily issue in the first instance.	Warrant	Ditto	Ditto	Ditto	Ditto	OF.	Warrant
3	Whether the police may arrest with- out warrant or not.	Shall not arrest without war- rant.	May arrest with- out warrant.	Ditto	Ditto	Ditto		May arrest with- out warrant.
63	Offence.	Buying or disposing of any person as a slave.	Habitual dealing in slaves	Selling or letting to hire minor Ditto for the purpose of prostitution.	Buying or obtaining possession of a	Unlawful compulsory labour		Rape
1	Section.	3711	371	372	373	374		376

Of Unnatural Offences.

877	7010.					10 B 10 C			
	Ornavural offences	May arrest with- out warrant.	- Warrant	:	Not bailable	No	Not compound- able.	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
		CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY. Of Theft.	XVII.—OF	OFFE	FFENCES AGA Of Theft.	INST	PROPER	TX.	
879	379 Theft	May arrest with-	Warrant	1	Not bailable .	Not	ot compound- able.	Not bailable Not compound- Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent or vessel.	Ditto	Ditto		Ditto	Ditto	tto	Imprisonment of either description for 7 years and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto	Ditto		Ditto .	Ditto	:	Ditto C	Court of Session, Presidency Magistrate or Magistrate of the first or second
3882	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft or to retiring after committing it, or to retaining property taken by it.	Ditto	Ditto	:	Ditto	Ditto		Rigorous imprisonment for 10 Court of Session.	class.

SCHEDULE II—continued.

CHAPTER XVII. - OF OFFENCES AGAINST PROPERTY - (continued).

Of Extortion.

1	8	60	4	2	9	•	œ
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether com- poundable or not.	Panishment under the Indian Penal Code.	By what Court triable.
384	Extortion	Shall not arrest without war- rant.	Warrant	Bailable	Not compound - able.	Not compound- Imprisonment of either de- able. scription for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
385	Putting or attempting to put in fear of injury, in order to com- mit extortion.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto	Ditto	Not bailable	Ditto	Imprisonment of either de- scription for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years and fine.	Ditto.
888	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence threatened be an un- natural offence.	Ditto	Ditto	Ditto	Ditto	Transportation for life	Ditto.*

6

ss- Ditto.	Ditto.				Ditto,	Ditto.	Court of Session, Presidency Ma-	gistrate of the first class.	Court of Session.	Ditto.	Ditto.	
Imprisonment of either des- cription for 10 years and fine.	Transportation for life		Rigorous imprisoument for 10 years and fine.	, and a	years and fine.	Rigorous imprisonment for 7 years and fine.	Transportation for life, or rigerous imprisonment for 10 years and fine.		M. 7 . 120.00 . 1200	Death, transportation for life, or rigorous imprisonment for 10 years and fine.	Rigorous imprisonment for not less than 7 years.	
Ditto	071		Not compound.	0		1	i		::	•	i	
Dr	Ditto		Not con able.	Ditto		Dutto	Ditto		Ditto	Duilo	Difto	
		coity.	able				1		i	ŕ	1	-
Ditto	Ditto	Of Robberg and Dacoity.	Not bailable	Ditto	Ditto	77.2	LIETO		Ditto		Ditto	
		Robbery	1	Ditto			i		 : :		<u></u>	
Ditto	Ditto	of	Warrant	Ditto	Ditto)itto		. טווע			Ditto .	
	1		rest war-	i.	:						- -	
Ditto	Ditto		May arrest without war- rant.	Ditto	Ditto	Ditto		Ditto	Ditto	i	Ditto	
sation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	If the offence be an unnatural offence		Robbery	If committed on the highway between sunset and sunrise.	Attempt to commit robbery	Person voluntarily causing hurt in	commit robbery, or any other person generally concerned in such robbery.	Dacoity	Murder in dacoity			
Š			88 88 88 88		393	394		395	896	397		
									522	1	ANGELER	

SCHEDULE II—continued.

CHAPTER XVII. - OF OFFENCES AGAINST PROPERTY - (continued).

Of Robbery and Dacoity-(concluded).

-	2	6	7	LO.	9	7	œ
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what, Court triable.
888	Attempt to commit robbery or May arrest with. Warrant dacoity when armed with deadly out warrant.	May arrest with- out warrant.	Warrant	Not bailable	Not compound- able.	Not compound- Rigorous imprisonment for not Court of Session. able. less than 7 years.	Court of Session.
899	Making preparation to commit	Ditto	Ditto	Ditto	Ditto	Rigorous imprisonment for 10 years and fine.	Ditto.
400	- 14	Ditto	Ditto	Ditto	Ditto	Transportation for life, or as above.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto	.Ditto	Ditto	Ditto	Rigorous imprisonment for 7 years and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

Of Criminal Misappropriation of Property.

Any Magistrat
Not compound- Imprisonment of either des- Any Magistrat able. or both.
Not compourable.
Bailable
Warrant
Shall not arrest Warrant without warrant.
misappropriation of property, or converting s own use.
3 Dishonest moveable it to one'
104

Court of Session, Presidency Magistrate or Magistrate of the first or second class.				class. Court of Session, Presidency Ma-	gistrate or Magistrate of the first class. Court of Session, Presidency Ma.	gistrate or Magistrate of the first or second class.
Imprisonment of either des- cription for 3 years and fine.	Imprisonment of either des- cription for 7 years and fine.		Not compound- Imprisonment of either des- able. cription for 3 years, or fine, or both.	Imprisonment of either des- cription for 7 years and fine.	Ditto	
Ditto	Ditto		Not compound- able.	Біщо	Ditto	
Ditto	Ditto	Of Criminal Breach of Trust.	Not bailable	Ditto	Ditto	
Ditto	Ditto	Of Criminal 1	Warrant	Ditto	Ditto	
Ditto	Ditto		May arrest with- out warrant.	Ditto	Ditto	
Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	If by clerk or person employed by deceased.		406 Criminal breach of trust 1	Criminal breach of trust by a carrier, wharfinger, &c.	Criminal breach of trust by a clerk or servant.	
404			406	407	408	

SCHEDULE II—continued.

CHAPTER XVII. - OF OFFENCES AGAINST PROPERTY - (continued).

Of Criminal Breach of Trust-(concluded).

	8	By what Court triable.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	7	Whether the police Whether a warrant may arrest with or not. The first instance.	Not compound- Transportation for life, or imprisonment of either description for 10 years and fine gistrate or Magistrate or Mag
The second second	, 9	Whether compoundable or not.	Not compound- able.
		Whether bailable or not.	Not bailable
	4	Whether the police Whether a warrant may arrest with- or a summons shall out warrant or not, ordinarily issue in the first instance.	
	. 3	Whether the police may arrest with- out warrant or not.	Shall not arrest without war- rant.
	2	Offence.	409 Criminal breach of trust by public Shall not arrest Warrant servant or by banker, merchant without warrant.
	7	Section.	409

Of the Receiving of Stolen Property.

114	Dishonestly receiving stolen pro- May arrest with. Warrant out warrant.	May arrest with out warrant.	h- Warrant		Not bailable	Not compound able.	Not compound- Imprisonment of either des- court of Session, able. or both. gistrate or Magistrate of the first or second class.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto	Ditto		Ditto	Ditto	Transportation for life, or Court of Session.	Court of Session.
413	413 Habitually dealing in stolen property.	Ditto	. Ditto	j.	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years and fine	Ditto.

417 Cheating Shall not arrest warrant Bailable Componentable in prisonment of either de- Phesidency Manieron whose interest bitto Ditto	4	Al4 Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto	<u> </u>	Ditto	Ditto		Ditto	Imprisonment of either description for 3 years, or fine, or both.	p- Court of Session, Presidency Magistrate or Magistrate of the first or second class.
Cheating a person whose interest bitto Ditto Dit					6	Cheating.				
Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect. Cheating by personation Ditto Di	41.	Cheating	Shall not arree without war rant.			. Bailable		Compoundable when per- mission is given by the	Imprisonment of either description for 1 year, or fine, or both.	The same of the sa
Cheating by personation Cheating and thereby dishonestly inducing delivery of a valuable sccurity. Cheating and thereby dishonestly of a valuable sccurity.	418	N. Calendaria	· i					court before which a pro- secution is pending.		class.
Cheating by personation Ditto						Contraction of States	<u>v</u>	ot compound- able.	Imprisonment of either description for 3 years, or fine, or both.	
Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	419	and the same of the same of								gistrate of the first or second class.
Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.		Cheaving by personation		Ditto		Ditto			:	Ditto.
gistrate or Magistrate of Magistrate of the first class.	420	5		Ditto		Ditto		:	-	Court of Session, Presidency Ma-
The state of the s										gistrate or Ma- gistrate of the first class.

SCHEDUL E II—continued.

CHAPTER XVII.—OF OFFENCLES AGAINST PROPERTY—(continued).

Of Fraudulent Deeds Eand Dispositions of Property.

	8 By what Court	triable.	Presidency Ma- gistrate or Ma- gistrate of the	first or second class. Ditto.	Ditto.	Ditto.			Any Magistrate.
	Indian Penal	7	either de- ars, or fine,		100 mm				
	7 Punishment under the Indian Penal	Code.	Imprisonment of either description for 2 years, or fine, or both.	Ditto	Ditto	Ditto			Imprisonment of either description for 3 months, or fine, or both.
	6	1	Н		7		C.		the same and
Transport of Trapered.	Whether com-	poundable or not.	Not compound- able.	Ditto	Ditto	Ditto .	**************************************		Compoundable when the only loss or dam-
o crosses	5 Whether bailable	in the same of the			•				
and are	Trans		Bailable	Ditto	Ditto	Ditto		Of Mischief.	Bailable
	arra nt	ue in'n anceal n	i i	i si u	s: 11		stanting and the sole of the	Of M	:
	Whether a warra int	ordinarily issue in the first instance.	Warrant	Ditto	Ditto	Ditto			Summons
6	3 Whether the police	Warrant or not.	Shall not arrest without war- rant.	Ditto	Ditto	Ditto			Shall not arrest without war-
	2 Offence.		Fraudulent removal or concealment of property, &c., to prevent distribution among ereditors.	Fraudulently preventing from being made available for his creditors a debt or demand due to the	offender. Fraudulent execution of deed of transfer containing a false statement of consideration.	Fraudulent removal or concealment of property of himself or any other nerson, or assisting in the doing	thereof, or dishonestly releasing any demand or claim to which he is entitled.		Mischief
	1 ection.	14 11	421	422	423	424	n		426

487 Mischief and thereby causing bitto Warrant Ditto D	Andrew Printers and Antonio State of the Sta						
Mischief, and thereby causing damage to the amount of 50 Topics or a princes or upwards. Mischief by killing, poisoning, without war- maining or rendering useless any without war- maining or rendering useless any virtue of 10 rapes maining or rendering useless any virtue of 10 rapes maining or rendering useless any virtue of 10 rapes maining or rendering useless any virtue of 10 rapes maining or rendering useless any virtue of 10 rapes maining or rendering useless any virtue of 10 rapes maining or rendering useless any virtue of 10 rapes maining or rendering useless any virtue of 10 rapes maining or rendering useless any virtue of 10 rapes maining or rendering useless any virtue of 10 rapes maining or rendering useless any virtue of 10 rapes maining or rendering useless any virtue of 10 rapes maining or rendering doring or out virtue of 10 rapes maining or rendering useless are for travelling or out virtue or may be its value. Mischief by causing inumulation or Ditto	Presidency Magistrate or Magistrate of the first or second	class. Ditto.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.	Ditto.	Ditto.	Ditto.	Court of Session.
Mischief, and thereby causing damage to the amount of 50 Tupees or upwards. Mischief by killing, poisoning, maining or rendering useless any elephant, camel, horse, &c., whatever may be its value, of 10 pitto Ditto D	t of either de-		t of either de-			:	THE RESERVE AND DESCRIPTION OF THE PERSON NAMED IN
Mischief, and thereby causing damage to the amount of 50 rupees or upwards. Mischief by killing, poisoning, animal of the value of 10 rupees or upwards. Mischief by killing, poisoning, animal of the value of 10 rupees or upwards. Mischief by killing, poisoning, animal of the value of 50 rupees any be its value, or any other animal of the value of 50 rupees or upwards. Mischief by causing diminution of supply of water for agricultural purposes, &c. Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling or conveying property. Mischief by destroying or moving attended with damage. Mischief by destroying or moving or readently less useful a light. house or seamark, or by exhibit. ing false lights.		tanja samalingsala		Ditto	Ditto	Ditto	Imprisonment scription for 7 or both.
Mischief, and thereby causing damage to the amount of 50 rupees or upwards. Mischief by killing, poisoning, animal of the value of 10 rupees or upwards. Mischief by killing, poisoning, animal of the value of 10 rupees or upwards. Mischief by killing, poisoning, animal of the value of 50 litto maining or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 litto maining or rendering useless any elephant, camel, horse, &c. Mischief by causing diminution of supply of water for agricultural purposes, &c. Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling or conveying property. Mischief by destroying or moving attended with damage. Mischief by destroying or moving or reasonark, or by exhibiting false lights.	dam- dam- son.	-puno			:	:	:
Mischief, and thereby causing damage to the amount of 50 rupees or upwards. Mischief by killing, poisoning, and interest or any other animal of the value of 50 rupees or upwards. Mischief by causing diminution of supply of water for agricultural purposes, &c. Mischief by injury to public road, britto Ditto .	age cau	Not comp able.	Ditto	Ditto	Ditto	Ditto	Dillo
Mischief, and thereby causing damage to the amount of 50 rupees or upwards. Mischief by killing, poisoning, * May arrest Ditto Maniming or rendering useless any animal of the value of 10 rupees rant. Mischief by killing, poisoning, maining or rendering useless any ever may be its value, or any other animal of the value of 50 rupees or upwards. Mischief by causing diminution of supply of water for agricultural purposes, &c. Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling or conveying property. Mischief by causing inundation or obstruction to public drainage attended with damage. Mischief by destroying or moving or rendering less useful a light. house or seamark, or by exhibit.		:	•	:	•	:	:
Mischief, and thereby causing damage to the amount of 50 rupees or upwards. Mischief by killing, poisoning, animal of the value of 10 rupees or upwards. Mischief by killing, poisoning, animal of the value of 10 rupees rant. Mischief by killing, poisoning, bitto maining or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards. Mischief by causing diminution of supply of water for agricultural purposes, &c. Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling or conveying property. Mischief by causing inundation or obstruction to public drainage attended with damage. Mischief by destroying or moving or rendering less useful a light. house or seamark, or by exhibit. house or seamark, or by exhibit.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
Mischief, and thereby causing damage to the amount of 50 rupees or upwards. Mischief by killing, poisoning, "May arrest maining or rendering useless any animal of the value of 10 rupees or upwards. Mischief by killing, poisoning, "maining or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards. Mischief by causing diminution of Ditto Burpees or upwards it impassable channel, and rendering it impassable or less safe for travelling or conveying property. Mischief by causing inundation or obstruction to public drainage attended with damage. Mischief by destroying or moving or rendering less useful a light. house or seamark, or by exhibit.	:	:	:	:	:	:	:
Mischief, and thereby causing damage to the amount of 50 rupees or upwards. Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards. Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards. Mischief by causing diminution of supply of water for agricultural purposes, &c. Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling or conveying property. Mischief by causing inundation or obstruction to public drainage attended with damage. Mischief by destroying or moving or rendering less useful a lightnouse or seamark, or by exhibit, ing false lights.	Warrant	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
Mischief, and thereby causing damage to the amount of 50 rupees or upwards. Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards. Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards. Mischief by causing diminution of supply of water for agricultural purposes, &c. Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling or conveying property. Mischief by causing inundation or obstruction to public drainage attended with damage. Mischief by destroying or moving or rendering less useful a lightnouse or seamark, or by exhibit, ing false lights.		arrest war-		:		:	:
	Ditto	* May without rant.	Ditto	Ditto	Ditto	Ditto	Ditto
428 429 430 432 433	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Mischief by causing inundation or obstruction to public drainage attended with damage.	Mischief by destroying or moving or rendering less useful a light-house or seamark, or by exhibiting false lights.
	427	428	429	430	431	432	4533

* See Act XI of 1874, section 46.

SCHEDULE II—continued.

CHAPTER XVII,—OF OFFENCES AGAINST PROPERTY—(continued).

Of Mischief—(concluded).

1	8	8	4	ko.	9	7	8
Section.	Offence.	Whether the police may arrest with- out warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without war- rant.	Warrant	Bailable	Not compound- able.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second cs s.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards or, in case of agricultural produce, 10 rupees or upwards.	May arrest with- out warrant.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years and fine.	Court of Session.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto	Ditto	Not bailable	Ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years and fine.	Ditto,

Imprisonment of either des- cription for 5 years and fine.		Imprisonment of either de- scription for 3 months or fine	of 500 rupees, or both. Imprisonment of either description for 1 year or 6.	1,000 rupees, or both. Transportation for life, or Court of Session.		Imprisonment of either description for 2 years and fine.	Imprisonment of either de- Courtof Session, scription for 7 years and fine Presidence Mo.		
··· Im		H	of Imp	T	Imp	Impr	Impr		• Ditto
Ditto		Compoundable.	Ditto	Not compound- able.	Ditto	Ditto	Ditto		Ditto
	.038.	:	· •		3.7	1 .	əldi		1
Ditto	Of Criminal Trespass.	Bailable	Ditto	Not bailable	Ditto	Bailable	Not bailable	*.	Ditto
	f Crim		1	:	i.,		1		* 1
Ditto	0,	Summons	Warrant	Ditto	Ditto	Ditto	Ditto		Ditio
		st with-	1 1 1	an in in in an and an			•		
Ditto		May arrest with- out warrant.	Ditto	Ditto	Ditto	Ditto	Ditto		Ditto
ter preparage death or				er to the	er to the nce punish- ion for life.	er to the ce punish-			g made
Mischief committed after prepara- tion made for causing death or hurt, &c.		Criminal trespass	House-trespass	House-irespass in order to the commission of an offence punishable with death.	House-trespass in order to the commission of an offence punishable with transportation for life.	House-trespass in order to the commission of an offence punishable with imprisonment.	If the offence is theft		House-trespass, having preparation for causing assault, &c.
440		44/	448	449	450	451			p 1

SCHEDULE II—continued.

CHAPTER XVII.— OF OFFENCES AGAINST PROPERTY—(concluded).

Of Criminal Trespass—(concluded).

	The second secon						
1	2	က	4	2	9	4	ø
Section.	Offence.	Whether the police may arrest without warrant or not.		Whether a warrant Whether bailable or or a summons shall not, ordinarily issue in the first instance.	Whether compoundable or not.	Panishment under the Indian Penal Code.	By what Court triable.
453	Lurking house-trespass or house-breaking.	May arrest with- out warrant.	Warrant	Not bailable Not compound.	Not compound- able.	Imprisonment of either description for 2 years and fine.	Presidency Magriculation Magriculate of the first or second
454	Lurking house-trespass or house- breaking in order to the com- mission of an offence punishable with imprisonment.	Ditto	Ditto	Ditto	Dutto	Imprisonment of either description for 3 years and fine.	class. Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If the offence is theft '	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house- breaking after preparation made for causing burt, assault, &c.	Ditto	Ditto	Ditto	Ditto	Ditto	Court of Session, Presidency Magistrate or Magistrate of the
456	Lurking house-trespass or house- breaking by night.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Ma-
							gistrate of the first or second class.

Ditto.	Ditto.	Court of Session, Presidency Magistrate or Magistrate of the first class.	Court of Session.	Ditto.	Presidency Magistrate or Magistrate of the first or second class.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
Imprisonment of either description for 5 years and fine.	Imprisonment of either description for 14 years and fine.	Ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Imprisonment of either description for 3 years, or fine, or both.
		1	i	!		
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
1	1	1		1.	: : :	
Ditto	Ditto	Ditto	Ditto	Ditto	Bailable	Ditto
1	i.,				: -	
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
i		1.4		i i	12.	
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
Lurking house-trespass or house- breaking by night in order to the commission of an offence punish- able with imprisonment,	If the offence is theft	Lurking house-trespass or house- breaking by night, after pre- paration made for causing hurt, &c.	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.
457		458	459	460	461	797

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SCHEDULE II—continued.

CHAPTER XVIII .- OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

1	8	ဇာ	4	2	. 9	4	8
ection.	Offence.	Whether the police may arrest with- out warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether com- poundable or not.	Punishment under the Indian Penal Code.	By what Court triable,
465	465 Forgery	Shall not arrest without war-	Warrant	Bailable	Not compound- able.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session
466	Forgery of a record of a Court of Justice or of a Register of births, &c., kept by a public servant.	Ditto	Ditto	Not bailable	Ditto	Imprisonment of either description for 7 years and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto,
	When the valuable security is a promissory note of the Government of India.	May arrest with- out warrant.	Ditto	Ditto	Ditto	Ditto	Ditto.
468	Porgery for the purpose of cheating.	Shall not arrest- without war- rant.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto	Ditto	Bailable	Ditto	Imprisonment of either description for 3 years and fine.	Ditto.

Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	
Punishment for forgery	Ditto	Transportation for life, or imprisonment of either description for T years and fine.	Imprisonment of either description for 7 years and fine.	Ditto	Transportation for life, or as	Ditto	
			:	:	i	i	
Detto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
	able	1			:		
Ditto	Not bailable	Ditto	Ditto	Ditto	Ditto	Ditto	
		•	1	1	:		
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
Ditto	May arrest with- out warrant,	Shall not arrest without war- rant.	Ditto	Ditto	Ditto	Ditto	
Using as genuine a forged do- cument which is known to be forged.	When the forged document is a promissory note of the Government of India.	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	If the document is a valuable se- curity or will.	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	
471		472	473	474		475	
						50 1	

SCHEDULE II—continued.

VIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-M

cluded).	8 By what Court triable.	Court of Session.	Ditto.
R PROPERTY-MARKS-(conc	7 Punishment under the Indian Penal Code.	Not compound- Imprisonment of either de- Court of Session. able. serij tion for 7 years and fine.	Transportation for life, or imprisonment of either description for 7 years and fine.
O TRADE O	Whether compoundable or not.	Not compound- able.	Ditto
MENTS AND T	Whether bailable or not.	Not bailable	Ditto
NG TO DOCU	Whether a warrant or a summons shall ordinarily issue in the first instance.	arrest Warrant	Ditto
NCES RELATI	Whether the police may arrest with- out warrant or not.	Shall not arrest without war- rant.	Ditto
CHAPTER XVIIIOF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS-(concluded).	2 Offence	Counterfeiting a device or mark Shall not used for authenticating documents other than those described rant. in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.
	J Section.	476	477

Of Trade and Property-Marks.

Presidency Magistrate or Magistrate of the first or second class.	Ditto.
Not compound- Imprisonment of either de- Presidency Mascription for one year, or gistrate or Mafirst or second class.	Imprisonment of either description for 2 years, or fine, or both.
. Not compound- able.	Ditto
Bailable	Ditto
	Ditto
Shall not arrest without war- rant.	Ditto
Using a false trade or property. Shall not arrest Warrant mark with intent to deceive or without warinjure any person.	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.
483	483

9	gradue of the tirst class. Ditto.	Presidency Magristrate or Magristrate of the	class. Court of Session, Presidency Magristrate or Magristrate of the	class.	Ditto. e- Presidency Ma- gistrateor Ma-	first or second class.
Imprisonment of either description for 3 years and fine.	Imprisonment of either description for 3 years, or fine, or both.	Imprisonment of either description for 1 year, or fine, or both.	Imprisonment of either description for 3 years, or fine, or both.	Ditto	somment of either de-	
Ditto	Ditto	Ditto	Duto	Ditto	Ditto	
Samuel E	ŧ	÷	*			
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
	:	i			1	
Summons	Ditto	Ditto	Ditto	Ditto	Ditto	
			1			
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	
Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Knowingly selling goods marked with a counterfeit property or trade-mark.	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Making use of any such false mark.	Removing, destroying or defacing any property-mark with intent to cause injury.	
484	485	98*	487	488	489	

SCHEDULE II—continued.

CHAPTER XIX. - OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

8 By what Court triable.	Presidency Magistrate or Magistrate of the first or second class,	Ditto.	Ditto.	7	Court of Session.
7 Punishment under the Indian Penal Code.	Compoundable. Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Imprisonment of either description for I mouth, or fine of double the expense incurred, or both.	B.	Imprisonment of either description for 10 years and fine.
6 Whether compoundable or not.	Compoundable.	Ditto	Ditto	O MARRIAG	Not compound- able,
5 Whether bailable or not,	Bailable	Ditto	Ditto	RELATING T	Not bailable Not compound- able,
Whether a warrant or a summons shall ordinarily issue in the first instance.	Summons	Ditto	Ditto	CHAPTER XX.—OFFENCES RELATING TO MARRIAGE	Warrant
3 Whether the police may arrest without warrant or not.	Shall not arrest without war- rant.	Ditto	Ditto	CHAPTER XX	Shall not arrest without war- rant.
2 Offence,	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Being bound by a contract to render personal service for a certain period at a distant place to which the employe's conveyed at the expense of the employer, and there voluntarily deserting the service. or refusing to perform the duty.		A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.
1 Section.	490	491	493		495

			ALCE VINE DESCRIPTION		
Court of Session.	Ditto.	Ditto.	Presidency Ma- gistrale or Ma- oistrale of the	first class. Presidency Magistrate or Magistrate of the first or second	ciass.
Imprisonment of either de- Court of Session.	Imprisonment of either description for 10 years and fine.	Imprisonment of either description for 7 years and fine.	Compoundable. Imprisonment of either de- Presidency Mascription for 5 years, or fine, gistrate or Masor both.	Imprisonment of either description for 2 years, or fine, or both.	
Ditto	Ditto	Ditto	Tompoundable.	Ditto	
Bailable	Not bailable	Ditto	Bailable c		
:	Ditto			Ditto Ditto	
Shall not arrest Warrant without war-rant.	Ditto *	Ditto Ditto	Ditto Ditto	Ditto L	
time of a husband or wife.	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	496 A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	497 Adultery	498 Enticing or taking away or detaining with a criminal intent a married woman.	
# 20 20 20 20 20 20 20 20 20 20 20 20 20	495	496	497	498 E	

CHAPTER XXI. - OF DEFAMATION.

SCHEDULE II—continued.

CHAPTER XXI.-OF DEFAMATION-(concluded).

8 By what Court triable.	Court of Session Presidency Ma gistrate or Ma gistrate of th first class.
Whether the police Whether a warrant may arrest with. or not. out warrant or not. the first instance.	Compoundable. Simple imprisonment for 2 Court of Session years, or fine, or both. Presidency Ma gistrate or Ma gistrate of the first class.
6 Whether com- poundable or not.	Compoundable
5 Whether bailable or not.	Bailable
Whether a warrant or a summons shall ordinarily issue in the first instance.	
Whether the police may arrest with- out warrant or not.	Shall not arrest without war- rant.
2 Offence.	Sale of printed or engraved sub- stance containing defamatory without war- matter, knowing it to contain rant. such matter.
Section.	502

CHAPTER XXII. OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

provoke a Shall not arrest Warrant Bailable Compoundable. Imprisonment of either de- Any Magistrate. scription for 2 years, or fine, or both.	imours, &c., Ditto Ditto Not bailable Not compound. Ditto Presidency Maent to cause s against the first or second class.	Ditto Ditto Bailable Compoundable. Ditto Ditto.	use death or Ditto Ditto Not compound- Imprisonment of either de- Court of Session, able. scription for 7 years, or fine, gistrate or Macros death.
arrest Warrant	Ditto Ditto	Ditto Ditto	Ditto Ditto
504 Insult intended to provoke a Shall not breach of the peace.	505 False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	506 Criminal intimidation	If threat be to cause death or grievous hurt, &c.

Ditto.	Presidency Magistrate or Magistrate of the first or second class.	Presidency Magistrate or Magistrate of the first class.	Any Magistrate.
Imprisonment of either description for 2 years, in addition to the punishment under above section.	Imprisonment of either description for I year, or fine, or both.	Simple imprisonment for 1 Presidency Mayear, or fine, or both. gistrate or Magistrate of the first class.	Simple imprisonment for 24 Any Magistrate. hours, or fine of 10 rupees, or both.
Ditto	Ditto	Dirto	Ditto
		•	
Ditto	Ditto	Bailable	Ditto
	:	:	1
Ditto	Ditto	Warrant	Ditto
Ditto	Ditto	Shall not arrest Warrant without warrant.	Ditto
ion by anony. tion or having n to concea	ng a person t l be renderec e displeasure.	making ango insult thu	place, &c., ir ion, and caus. iny person.
Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Uttering any word or making any gesture intended to insult the modesty of a woman.	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.

CHAPTER XXIII, -OF ATTEMPTS TO COMMIT OFFENCES.

Landing as Assauling as Companylally Propercutation on imm	punishable with transportation the offence is the offence in respect one in respect contemplated fence attempt doing any act towards of which the offence attempt doing any act towards of which the offence is the offence in the offence is the offence in the offence is the offence in the offence in the offence is the offence in the offence is the offence in the offence in the offence in the offence is the offence in the offence in the offence is the offence in the offence is the offence in the offence in the offence is the offence in the offence in the offence is the offence in the offe	warrant shall or not.
According	the offence is one in respect of which the	ponce may arrest without warrant or not.
Attempting to commit offences	punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence	

SCHEDULE II—concluded.

OFFENCES AGAINST OTHER LAWS.

8 By what Court triable.	According to the provisions of section 29 of this Code.				
7 Punishment under the Indian Penal Code.					
6 Whether com- poundable or not.	Not compound- able.	Ditto	Ditto	Ditto	
5 Whether bailable or not.	Not bailable Not compound-	Ditto	Bailable	Ditto	
Whether a warrant or a summons shall ordinarily issue in the first instance.	arrest Warrant	Ditto	Summons	Ditto	
Whether the police may arrest with- out warrant or not.	thout	Ditto	Shall not ar- rest without warrant.	Ditto	
2 Offence.	If punishable with death, transportation or imprisonment for wiseven years or upwards.	If punishable with imprisonment for three years and upwards but less than seven.	If punishable with imprisonment for less than three years.	If punishable with fine only	
1 Section.	19			31.77	

SCHEDULE III.

ORDINARY POWERS OF MUFASSAL MAGISTRATES.

I .- Ordinary Powers of Magistrates of the Third Class.

- (1) Power to arrest, or direct the arrest of, an offender in the presence of the Magistrate,
- Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 84, 85 & 87. (2)
- Power to issue proclamations in cases judicially before him, section 88. Power to attach and sell property in cases judicially before him, section 89. (4)
- (5)
- Power to endorse a search-warrant and order delivery of thing found, sections 100 & 102. Power to record confessions or statements during a Police-investigation, section 165. (6)(7)
- Power to authorize detention of a person during a Police-investigation, section 168.

 Power to detain an accused person found in Court, section 351.
- Power to sell perishable property of a suspected character, section 536.

II .- Ordinary Powers of Magistrates of the Second Class.

- The ordinary powers of a Magistrate of the third class.
- Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 156.

III .- Ordinary Powers of Magistrates of the First Class.

- The ordinary powers of a Magistrate of the second class. (1)
- Power to issue search-warrants otherwise than in course of an inquiry, section 99. (2) (3)
- (4)
- Power to require security to keep the peace, section 108.

 Power to require security for good behaviour, sections 110 & 111. (5)
- Power to make orders, &c., in possession-cases, sections 146, 147, 148. (6) Power to commit for trial.
- Power to make orders of maintenance, sections 488 & 489.

IV .- Ordinary Powers of Sub-divisional Magistrates.

- The ordinary powers of a Magistrate of the first class
- Power to make orders as to local nuisances, section 134. (2)
- (3)
- Power to make orders under section 145.
- Power to make orders prohibiting repetitions of nuisances, section 144. Power to hold inquests, section 175. (4) (5)
- (6)
- Power to issue process for person within jurisdiction who has committed an offence outside the jurisdiction, section 187
- Power to entertain complaints, section 192. Power to receive police-reports, section 192. (8)
- Power to entertain cases without complaint, section 192. (9)
- Power to transfer cases to a Subordinate Magistrate, section 193.
- Power to pass sentence on proceedings recorded by a Subordinate Magistrate, (11)
- (13)
- Power to sell property alleged or suspected to have been stolen, &c., section 535.

 Power to withdraw cases other than appeals, and to try or refer them for trial,

V .- Ordinary Powers of District Magistrates.

- The ordinary powers of a Sub-divisional Magistrate, being a Magistrate of the first
- Power to direct warrants to landholders, section 78.
- Power to issue search-warrants for documents in Post-office or Telegraph Department,
- Power to discharge persons bound to be of good behaviour, section 125.
- Power to try summarily, section 261. Power to quash convictions in certain cases, section 350. (6) (7)
- Power to withdraw or refer appeals from convictions by Magistrates of the second and third classes, section 406.
- Power to hear appeals from convictions by Magistrates of the second and third (8)
- Power to call for proceedings, section 435.
- Power to revise orders passed under section 525, see section 526.

SCHEDULE IV.

Additional Powers with which Mufassal Magistrates may be invested.

BY THE LOCAL GOVERN-MENT

POWERS WITH WHICH A MAGIS-TRATE OF THE OF THE FIRST CLASS MAY BE INVESTED

> BY THE MAGISTRATE OF THE DISTRICT

BY THE LOCAL GOVERN-MENT

POWERS WITH WHICH A MAGIS-TRATE OF THE SECOND CLASS MAY BE INVESTED

BY THE MAGISTRATE OF THE DISTRICT

- (1) Power to make orders as to local nuisances, section 134:
- Power to make orders under sec-
- tion 145:
 (3) Power to make orders prohibiting repetitions of nuisances, section 144:
- (4) Power to hold inquests, section 175:
- (5) Power to issue process for person within jurisdiction who has committed an offence outside the jurisdiction, section 187:
- (6) Power to entertain complaints, section 192:
- (7) Power to receive police reports, section 192:
- (8) Power to entertain cases without complaint, section 192:
- (9) Power to try summarily, section 261:
- (10) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407:
- (11) Power to sell property alleged or suspected to have been stolen, &c., section 535:
- (1) Power to make orders under section 145:
- (2) Power to make orders prohibiting repetitions of nuisances, section 144:
- Power to hold inquests, section 175: (4) Power to entertain complaints, sec-
- tion 192:
- (5) Power to receive police reports, section 192:
- (6) Power to transfer cases, section 193.
- Power to commit for trial:
- (2) Power to make orders under section 145:
- (3) Power to make orders prohibiting repetitions of nuisances, section
- (4) Power to hold inquests, section 175:
- (5) Power to entertain complaints, section 192:
- (6) Power to receive police reports, *section 192:
- (7) Power to entertain cases without complaint, section 192:
- (1) Power to make orders under section 145:
- (2) Power to make orders prohibiting repetitions of nuisances, section 144:
- (3) Power to hold inquests, section 175:
- (4) Power to entertain complaints, section 192;
- (5) Power to receive police reports, section 192.

SCHEDULE IV-concluded.

Power to commit for trial: (2) Power to make orders under sec-BY THE LOCAL GOVERNtion 145: (3) Power to make orders prohibiting repetitions of nuisances, section POWERS 144: WITH WHICH A MAGISTRATE OF THE THIRD CLASS MAY (4) Power to hold inquests, section 175: (5) Power to entertain complaints, section 192: BE INVESTED (1) Power to make orders under section 145: (2) Power to make orders prohibiting repetitions of nuisances, section BY THE MAGISTRATE OF THE DISTRICT 144: Power to hold inquests, section 175: (4) Power to entertain complaints, section 192. SCHEDULE V.

FORMS.

I .- SUMMONS TO AN ACCUSED PERSON.

(See section 68.)

of

Whereas your attendance is necessary to answer to a charge of (state shortly the offence charged), you are hereby required to appear in person (or by pleader, as the case may of at , on day of

Dated this

day of

Herein fail not. ,18 .

(Seal.)

(Signature.)

II.—WARRANT OF ARREST.

(See section 75.)

To (name and designation of the person or persons who are to execute the warrant).

WHEREAS of stands charged with the offence of (state the offence), you are hereby directed to apprehend the said before me. Herein fail not. , and to produce him

(Seal.)

(Signature.)

(See section 76.)

This warrant may be endorsed as follows:—

If the said shall give bail himself in the sum of If the said one surety in the sum of (or two sureties each in the sum of to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this

day of

, 18

(Signature.)

III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.

(See section 87.)

I, (name), of , being brought before the Magistrate of the District of (or as the case may be) under a warrant issued to compel my appearance to answer to the I, (name), of

FORMS.

SCHEDULE V-continued.

charge of , do hereby bind myself to attend in the Court of on the next to answer to the said charge, and to continue on the day of next to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I day of bind myself to forfeit to Her Majesty the sum of rupees day of

(Signature.)

I do hereby declare myself surety for the abovesaid ad before at in the Court of , that he shall on the day of next to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court; and, in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees

day of

(Signature.)

IV .- PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(See section 88.)

Whereas complaint has been made before me that (name, description and address) has committed (or is suspected to have committed) the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (name) cannot be found; and whereas it has been shown to my satisfaction that the said (name) has absconded (or is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said is required to appear before this Court (or before me) to answer the said complaint within days

from this date. Dated this

(Seal.)

day of

, 18

(Signature.)

V .- PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(See section 88.)

WHEREAS complaint has been made before me that (name, description and place of residence) has committed (or is suspected to have committed) the offence of (mention the offence concisely) and a warrant has been issued to compel the attendance of (name, description and address of the witness) before this Court to be examined touching on the matter of the said complaint; and whereas it has been returned to the said warrant that the said (name of witness) cannot be served, and it has been shown to my satisfaction that he has absconded (or is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said (name) is required to appear before the Court on the day of next at o'clock, to be examined , the offence complained of.

touching Dated this

day of

, 18

(Seal.)

(Signature.)

VI .- ORDER OF ATTACHMENT.

(See section 89.)

To the Police-officer in charge of the Police-station at

Whereas a warrant has been duly issued to compel the attendance of (name, description and address) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (or is concealing himself to avoid the service of the said warrant); and thereupon a Proclamation was duly issued and published requiring the said

to appear and give evidence at the time and place mentioned therein, and he has failed to appear;

This is to authorize and require you to attach by seizure the moveable property belonging to the said to the value of rupees (see sections and and to hold the said property under attachment you may find within the District of

SCHEDULE V-continued.

FORMS.

pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this

(Seal.)

(Signature.)

WARRANT OF ATTACHMENT TO COMPEL APPEARANCE.

(See section 89.)

To (name and designation of the person or persons who is or are to execute the warrant).

Whereas complaint has been made before me that (name, description and address) has committed (or is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (name) cannot be found; and whereas it has been shown to my satisfaction that the said (name) has absconded (or is concealing himself to avoid the service of the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than the land paying revenue to Government in the possessed of the following property other than the land paying revenue to Government in the village (or town) of , in the District of order has been made for the attachment thereof; , and an

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this

day of

(Seal.)

(Signature.)

ORDER AUTHORIZING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(See section 89.)

To the Deputy Commissioner of the District of

WHEREAS complaint has been made before me that (name, description and address) has committed (or is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (name) cannot be found; and whereas it has been shown to my satisfaction that the said (name) has absconded (or is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation has been duly issued and published requiring the said to appear to answer the said charge within days, but he has not appeared; and whereas the said is possessed of certain land paying revenue to Government in the village (or fees) mitted (or is suspected to have committed) the offence of is possessed of certain land paying revenue to Government in the village (or town) in the District of

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this

day of

(Seal.)

(Signature.)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(See section 91.)

To (name and designation of the Police-officer or other person or persons to execute the warrant).

WHEREAS complaint has been made before me that of has (or is suspected to have) committed the offence of (mention the offence concisely), and it appears likely that (name and description of witness) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorize and require you to serve the said (name) with this warrant, and to bring him before this Court on the day of , using no unnecessary violence or forcible restraint for that purpose, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this

, 18

(Signature.)